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THE
MUNICIPAL
CODE
OF
MONMOUTH

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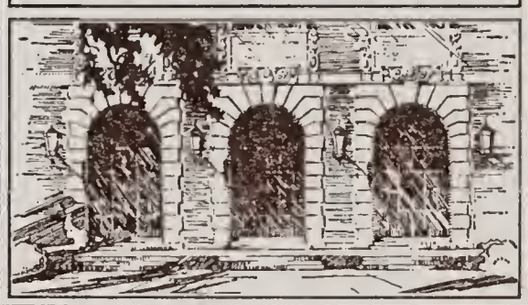

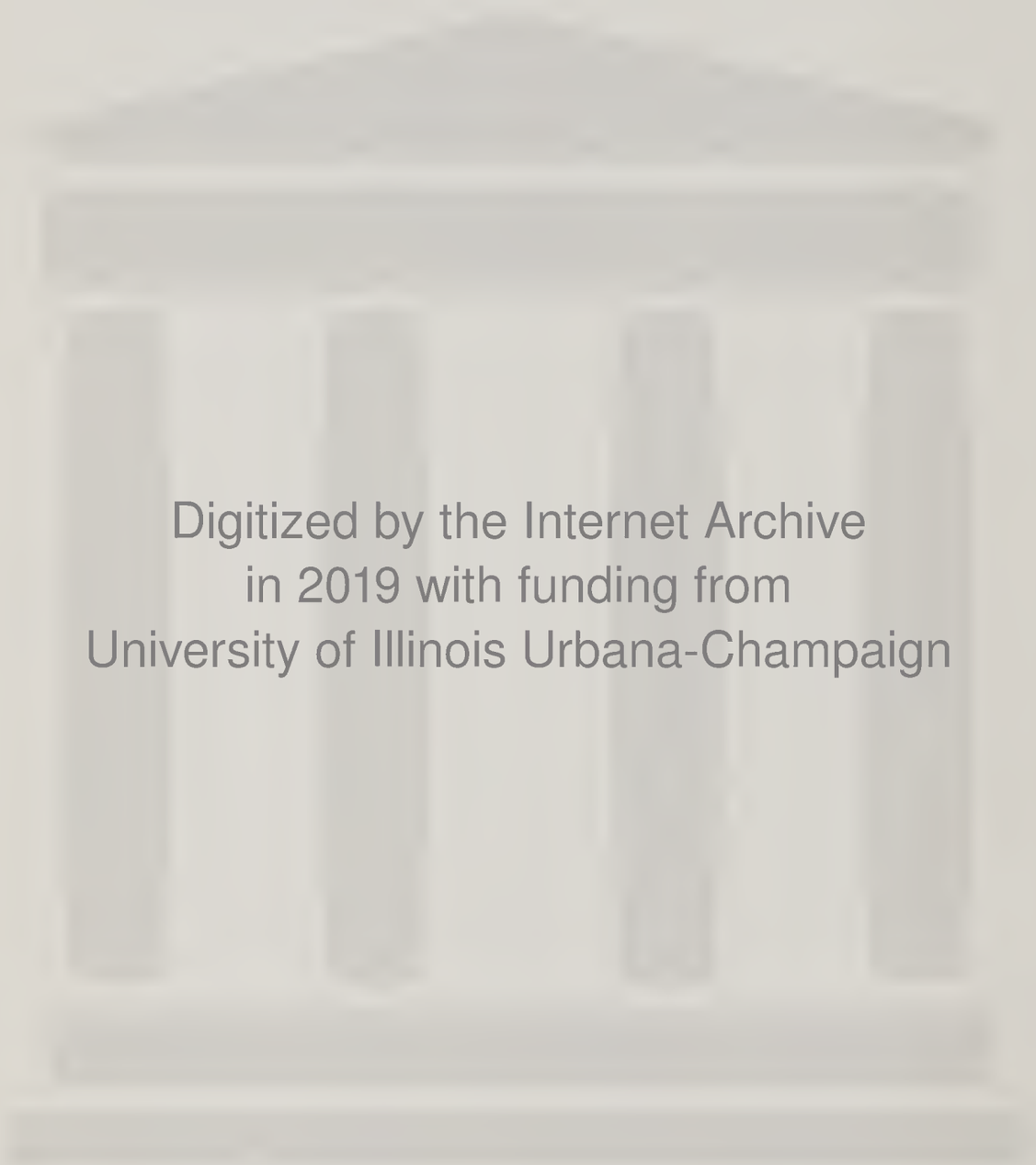
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AN ORDINANCE in regard to the publication of the Ordinances and Laws of the City of Monmouth.

Be it ordained by the City Council of the city of Monmouth:

SECTION 1. That the ordinances and laws governing the city of Monmouth, as codified and revised by Silas W. Porter, be and the same are hereby ordered printed and published in a bound volume, to be entitled "The Municipal Code of Monmouth."

SEC. 2. This ordinance shall be in force from and after its passage.

STATE OF ILLINOIS, WARREN COUNTY, } ss.
CITY OF MONMOUTH. }

I, William A. Grant, city clerk of the city of Monmouth, do hereby certify that the above and foregoing is a correct copy of an ordinance entitled "An ordinance in regard to the publication of the ordinances and laws of the city of Monmouth," passed by the city council of said city March 12, 1883, and approved by the mayor of said city March 13, 1883. I further certify that the original of said ordinance is on file in my office, and that I am by law entrusted with the custody of the same.

Witness my hand and the seal of said city this 9th day of April, A. D. 1883.

[L. S.] WILLIAM A. GRANT,
City Clerk

THE

MUNICIPAL CODE

OF

MONMOUTH,

COMPRISING THE

LAWS OF ILLINOIS RELATING TO THE CITY OF MONMOUTH

AND THE

ORDINANCES OF THE CITY COUNCIL,

CODIFIED AND REVISED

BY

SILAS W. PORTER, ATTORNEY AT LAW.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

MONMOUTH, ILL.:
REVIEW BOOK AND JOB PRINT.
1883.

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1883

OFFICERS OF THE CITY GOVERNMENT

OF THE CITY OF MONMOUTH.

ITHAMAR P. PILLSBURY,
Mayor, and President *ex officio* of the City Council.

MEMBERS OF THE CITY COUNCIL.

[ELECTED FROM OLD WARDS.]

W. A. Robinson,	N. S. Woodward,	C. A. Dunn,
J. B. Sofield,	J. H. Pattee,	Charles W. Gilbert.

CITY OFFICERS.

Wm. A. Grant.....City Clerk.
Fred E. Harding.....City Treasurer.
Silas W. Porter.....City Attorney.
O. D. Wilcox.....City Marshal.
George Penyx.....Deputy Marshal.
A. P. Hutchinson.....Police Magistrate.
W. P. Rupp.....Weighmaster.
Wm. Gunthorp.....Sexton.
Thos. S. McClanahan.....City Engineer.

HEALTH DEPARTMENT.

W. S. Holliday, M. D., Health Officer and Chairman *ex officio* of the Board of Health.

BOARD OF HEALTH.

W. S. Holliday, M. D., A. V. T. Gilbert, M. D.,
R. B. McCleary, M. D.

STREET SUPERVISORS.

John Turnbull, Isaac C. Hodgens, B. F. Foote.

1192250

MAYORS

OF THE

CITY OF MONMOUTH,

From the Date of its Incorporation, 1852.

Samuel Wood	1852
George W. Palmer	1853
E. S. Swinney	1854
Robert Grant	1855
W. H. Young	1856
I. Quinby	1857
J. H. Holt	1858
N. A. Rankin	1859
N. A. Rankin	1860
H. G. Hardin	1861
H. G. Hardin	1862
Samuel Wood	1863
William Cowan	1864
William Cowan	1865
George Babcock	1866
John M. Turnbull	1867
Samuel Wood	1868
J. A. Templeton	1869
S. Douglas	1870
W. B. Boyd	1871
W. M. Buffington	1872
D. Babcock	1873
J. H. Holt	1874
J. H. Holt	1875
J. L. Dryden	1876
J. H. Holt	1877
J. M. McCutcheon	1878
J. M. McCutcheon	1879
William Hanna	1880
William Hanna	1881
Ithamar P. Pillsbury	1882

CONSTITUTIONAL PROVISIONS,

STATUTES

AND

ORDINANCES.

CONSTITUTIONAL PROVISIONS.

In relation to City Governments.

Article IV.

Section 4. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for, and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this state.

§ 22. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for

* * * * * * *

incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

* * * * * * *

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

§ 23. The general assembly shall have no power to release or extinguish, in whole, or in part, the indebtedness, liability, or obligation of any corporation, or individual, to this state, or to any municipal corporation therein.

§ 28. No law shall be passed which shall operate to extend the term or any public officer after his election or appointment.

Article V.

Section 25. All civil officers, except members of the general assembly, and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability.

And no other oath, declaration, or test shall be required as a qualification.

Article VIII.

Section 3. Neither the general assembly, nor any county, city, town, township, school district, or other public corporation, shall ever

make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant, or donation of land, money, or other personal property ever be made by the state or any such public corporation, to any church or for any sectarian purpose.

Article IX.

Section 9. The general assembly may vest the corporate authoities of cities, towns and villages with power to make local improvements by special assessments, or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

§ 10. The general assembly shall impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary, or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedniss as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

Article XI.

Section 4. No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

MUNICIPAL SUBSCRIPTIONS TO RAILROADS, ETC.

No county, city, town, township or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation: *Provided, however*, that the adoption of this article shall not be construed as affecting the right of any municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

STATUTES

Relating to the Government of the City of Monmouth.

AN ACT to provide for the Incorporation of Cities and Villages.

Adopted by the City of Monmouth, April 3d, 1882.

ARTICLE I.

THE ORGANIZATION OF CITIES.

1. *How city may incorporate under this act.*] That any city now existing in this state may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question at the next ensuing municipal election of such city. Or on the third Tuesday of April, as provided for in article four (4) of said act, for holding municipal elections, *provided* there shall be sufficient time intervening to give the notice required by law.

2. *Notice of Election.*] § 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice therof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward [redacted] § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act, and the city officers then in office, shall thereupon exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

4. *How towns may become cities.*] § 4. Any incorporated town or village in this state, having a population of not less than one thousand (1,000) inhabitants, may become incorporoted as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the mayor and council of cities.

5. *Organizing a city—petition—election—result.*] § 5. Whenever any area of contiguous territory in this state, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the county judge, and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition.

6. *Courts to take judicial notice of orga* [redacted] § 6. All courts in this state shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization, to its organization under this act; and from the time of such organization or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws, not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or villege, the same as if such change of organization had not taken place.

7. *Election of officers.]* § 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

8. *When county judge to give notice of election, etc.]* § 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace.

9. *Term of first officers.]* § 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

10. *Corporate name—powers.*] § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

11. *Prior ordinances, etc., in force until, etc.*] § 11. All ordinances, resolutions and by laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

12. *Rights, etc., of old corporations to vest in new.*] § 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act, but no rights or liabilities, either in favor or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind shall be affected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such

city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

13. *Record of result of election.]* *§ 13.* The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or county court, of the canvass of the votes showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the secretary of state, who shall file the same, and keep a registry of cities and villages organized under this act.

14. *City register's office abolished.]* § 14. If any city organized or which may hereafter organize under this act, shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages, or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county, where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books, and papers pertaining to such city register or recorder's office shall deposit such records and books and papers in the office of the recorder of deeds of the county in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records and books and papers shall from thereafter be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect, as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same, or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office.

Article II.

of the mayor.

15. *Mayor—his qualifications.]* § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

16. *Vacancy one year or over.]* § 2. Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

17. *Vacancy less than a year.]* § 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

18. *Mayor pro tem.*] § 4. During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the powers of mayor.

19. *Vacancy by removal from city.*] § 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

20. *Mayor to preside—casting vote.*] § 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

21. *When he may remove officers.*] § 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.

22. *His power to keep peace.*] § 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace.

23. *Release of Prisoners.*] § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

24. *General duties.*] § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

25. *Power to examine records, etc.*] § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city.

26. *Messages to council.*] § 12 The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

27. *To call out militia, etc.—riots, etc.*] § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

28. *Misconduct etc., of mayor or other officer—penalty.*] § 14.

In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding $1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office.

29. *Revising ordinances after change of organization.*] § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city; the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

Article III.

of the city council.

30. *Council—how composed.*] § 1. The city council shall consist of the mayor and aldermen.

31. *Number of aldermen.*] § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding three thousand inhabitants, six aldermen; exceeding three thousand but not exceeding five thousand, eight aldermen; exceeding five thousand and not exceeding ten thousand, ten aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen aldermen; and two additional aldermen for every twenty thousand inhabitants over thirty thousand: *Provided, however*, that in cities over 100,000 inhabitants, there shall be elected thirty-six aldermen, and no more.

32. *Term of office.*] § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

33. *Vacancy.*] § 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

34. *Qualifications of aldermen.*] § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either

directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

35. *Council judge of its members.*] § 6. The city council shall be judge of the election and qualification of its own members.

36. *Rules—expulsion—bribery.*] § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

37. *Quorum—compelling attendance.*] § 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

38. *Meetings.*] § 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

39. Chairman pro tem.] § 10. It may elect a temporary chairman in the absence of the mayor.

40. Open Doors.] § 11. It shall sit with open doors.

41. Journal.] § 12. It shall keep a journal of its own proceedings.

42. Yeas and nays—record—vote required.] § 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members eleectd in the city council shall be necessary to the passage of any such ordinance or proposition: *Prorided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

43. Not to rescind vote at special meeting, unless, etc.] § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

43. When report laid orer.] § 15. Any report of a committte of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

45. *Territorial jurisdiction.* § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.

46. Special meeting.] § 17. The mayor or any three aldermen may call special meetings of the city council.

47. *Ordinances—approval—veto.*] § 18. All ordinaces passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

48. *Reconsideration—passing over veto.*] § 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

Article IV.

ELECTIONS.

49. *Annual election.*] § 1. A general election for city officers shall be held on the third Tuesday of April, of each year; *Provided*, That in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April.

50. *Election of mayor, city clerk, attorney, and treasurer.*] § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city; *Provided*, that no person shall be elected to the office of city treasurer for two terms in succession.

51. *Who entitled to vote.*] § 3. All persons entitled to vote at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

52. *Wards.* § 4. The city council may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards, the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable.

53. *Aldermen at first election—classified.*] § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years.

54. *Minority representation.*] § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time, for adoption or rejection, the question of minority representation in the city council or legislative authority of such city. At the said election the ballots shall be in the following form: "For minority representation in the city council," or "Against minority representation in the city council." And at any subsequent time, on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be "For equal representation in the city council," then the members of the city council or legislative authority of such city shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall shall take effect in such city, shall apportion such city, by dividing the population thereof, as ascertained by the last federal census, by any number not less than two, nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain, as nearly as practicable, an equal number of inhabitants.

55. *Aldermen under minority plan.*] § 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified: *Provided*, that those elected at the first election, from the wards bearing odd numbers, shall only hold their office for one year, and until their successors shall be elected and qualified. Vacancies occurring by the expiration of term, shall be filled by the election of aldermen for the full term of two years. Vacancies arising from any other cause than the expiration of term, shall be filled at an election to be held by the voters of the district in which such vacancy shall occur, at the time designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same, or

equal parts thereof, among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected.

56. *Aldermen when minority plan not adopted.* / § 8. If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

57. *Place of election—notice.* / § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

58. *Manner of conducting elections, etc.* / § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state The judges of election shall appoint clerks, when necessary, to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election ; and thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals.

59. *Result—tie.* / § 11. The person having the highest number of votes, for any office shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot in the presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

60. *Notice to persons elected or appointed.* / § 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

61. *When no quorum in office—special election.* / § 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

62. *Special elections.* / § 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail

to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

Article V.

OF THE POWERS OF THE CITY COUNCIL.

63. § 1. The city council in cities, and president and the board of trustees in villages, shall have the following powers:

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property.

Fourth—To fix the amount, terms and manner of issuing and revoking licenses.

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

Sixth—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Seventh—To lay out, to establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

Eighth.—To plant trees upon the same.

Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however*, that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may

be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this state, subject to such regulations as any such city or village may by ordinance impose.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

Sixteenth—To provide for and regulate crosswalks, curbs and gutters.

Seventeenth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements.

Eighteenth—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements, or handbills in the streets or public grounds, or upon the sidewalks.

Nineteenth—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

Twentieth—To regulate traffic and sales upon the streets, sidewalks and public places.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-second—To regulate the numbering of houses and lots.

Twenty-third—To name and change the name of any street, avenue, alley or other public place.

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years.

Twenty-fifth—To provide for and change the location, grade and crossings of any railroad.

Twenty-sixth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets, and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal may sustain by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

Twenty-seventh—To require railroad companies to keep flagmen

at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Twenty-ninth—To construct and keep in repair culverts, drains, sewers, and cesspools, and to regulate the use thereof.

Thirtieth—To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

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Fortieth—To provide for the cleansing and purification of waters, water-courses and canals, and the draining or filling of ponds on pri vate property, whenever necessary to prevent or abate nuisances.

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn-brokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure

Forty-second—To license, tax, and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole or any other tables or implements kept or used for similar purpose in any place of public resort, pin alleys and ball alleys.

Forty-fifth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city ; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devises and practices for the purpose of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints pictures or illustrations.

Forty-sixth.—To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license : *Provided*, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the

sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

Forty-seventh—The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

Forty-eighth—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth—To establish markets and market houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first—To prevent and punish forestalling and regrating.

Fifty-second—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Fifty-fourth—To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise.

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifth-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth—To regulate places of amusement.

Fifty-ninth—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sixtieth—To regulate partition fences and party walls.

Sixty-first—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Sixty-second—The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fire-works, fire-crackers, torpedoes, roman candles, sky-rockets, and other pyrotechnic displays.

Sixty-sixth—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh—To provide for the inspection of steam boilers.

Sixty-eighth—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Sixty-ninth—To establish and erect calabooses, bridewells, houses of correction and workhouses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first—To provide by ordinance in regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

Seventy-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private places.

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries, within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

Eightieth—To regulate, restrain, and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Eighty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies within the limits of the city or village.

Eighty-third—To prohibit any offenseve or unwholesome business or establishment within, or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth—The city council or trustees of a village, shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

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Eighty-eighth—To authorize the construction of mills, mill races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth—The city council or board of trustees shall have no power to grant the use of, or the right to lay down, any railroad tracks in any street of the city, to any steam or horse railroad com-

pany, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

Ninety-first—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

Ninety-fifth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed $200, and no imprisonment shall exceed six months for one offense.

64. *Style of ordinances.]* § 2. The style of the ordinances in cities shall be: "Be it ordained by the city council of..... ....."

65. *Publication of ordinances—when take effect.]* § 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

66. *Proof of ordinances.]* § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

67. *Suits for violating ordinances.]* § 5. All actions brought

to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and if united, would not have exceeded the jurisdiction of the court or magistrate.

68. *Fines and licenses—paid to treasurer.*] § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

69. *Summons—affidavit—punishment.*] § 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without necessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working days; and for such work the person so employed to be allowed, exclusive of his or her board, $2 for each day's work on account of such fine and cost.

70. *Jurisdiction of Justices, etc.*] § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

71. *Constable or Sheriff may serve process, etc.*] § 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

72. *Jurisdiction over waters—street labor.*] § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state;

and may, by ordinance, require every able-bodied male inhabitant of such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers, idiots, lunatics, and such others as are exempt by law,) to labor on the streets and alleys of such city or village, not more than three days in each year, but such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day.

Article VI.

Officers—their powers and duties.

73. *Officers.]* § 1. There shall be elected, in all cities organized under this act, the following officers, viz: a mayor, a city council, a city clerk, city attorney, and a city treasurer.

74. *Other officers—duties of city marshal.]* § 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

75. *Appointments—vacancies—duties—powers.]* § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years.

76. *Oath—bond.]* § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of..... according to the best of my ability,

Which oath or affirmation, so subscribed, shall be filed in the

office of the clerk. And all such officers, except aldermen and trustees, shall before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars ($3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer.)

77. *Commission—certificate—delivery to successors.*] § 5. All officers elected or appointed, under this act (except the clerk, aldermen and mayor, and trustees), shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notificatian and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

78. *Qualification of officers.*] § 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall have not resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

79. *Not interested in contracts, etc.*] § 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

80. *Bribery—penalty.*] § 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion,

judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding $5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding $5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

81. *Mayor, etc., not to hold other office.*] § 9. No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city government during his term of office.

82. *Duties of clerk.*] § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

83. *Record of ordinances.*] § 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

84. *Conservators of the peace—powers.*] § 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the

city or village, or any criminal law of the state, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch-house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace, as the city council or board of trustees may prescribe.

85. *Compensation of Mayor.*] § 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

86. *Compensation of aldermen and trustees.*] § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance: *Provided, however*, such compensation shall not exceed $3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office.

87. *Compensation of other officers.*] § 15. All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

88. *Administering oaths.*] § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

Article VII.

FINANCE.

89. *Fiscal year.*] § 1. The fiscal year of each city or village organized under this act, shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

90. *Annual appropriation ordinance.*] § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any

other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

91. *Limitation—emergency—borrowing money.*] § 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however*, that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

92. *Contracting liabilities limited.*] § 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

93. *Duties of Treasurer.*] § 5 The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

94. *Separate accounts.*] § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

95. *Receipts.*] § 7. He shall give every person paying money

into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

96. *Monthly statements—warrants—vouchers—register.]* § 8. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amonnt, number, the fund from which paid, the name of the person to whom and when paid.

97. *Deposit of funds—separate from his.]* § 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however*, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

98. *Treasurer's annual report—publication.]* § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such

account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately caused to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

99. *Warrants.]* § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

100. *Special assessment funds kept separate.]* § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

CITY COLLECTOR.

101. *His duties.]* § 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener, if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time or on demand, give such tax collector a copy of any such receipt so filed.

102. *He shall report, etc.—publication.]* § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands and the balance remaining uncollected at the time of the return on all warrants which shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer.

103. *Not to detain money—penalty.]* § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same

to the treasurer, and any violation of this provision will subject him to immediate removal from office.

104. *Examination of his books—paying over.*] § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the trasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

CITY COMPTROLLER.

105. *His powers and duties.*] § 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervission over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody, and control of all deeds, leases, warrants, vouchers, books, and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such a report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

106. *Council may define the duties—transfer of clerk's financial duties.*] § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and

collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office."

107. *Record of bonds issued by city.*] § 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purposes, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or cancelled; said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.

108. *Further duties may be required.*] § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

109. *Appeal to finance committee.*] § 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.

110. *Who may appoint subordinates.*] § 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

111. *Foreign insurance companies—license, etc.—penalties.*] § 23. All corporations, companies or associations not incorporated under the laws of this State, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of $2 upon the $100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk), a full,

true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding $1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

Article VIII.

The Assessment and Collection of Taxes.

112. *Ordinance levying tax—limitation.*] § 1. The city council in cities, and boards of trustees in villages, may levy and collect taxes for corporate purposes in the manner following: The city council, or boards of trustees, as the case may be, shall annually, on or before the third (3d) Tuesday in September, in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the county clerk to extend such tax in a separate column upon the

book or books of the collector or collectors of state and county taxes, within such city or village. *Provided*, the aggregate amount of taxes levied for any one (1) year, exclusive of the amount levied for the payment of bonded indebtedness, or the interest thereon, shall not exceed the rate of two (2) per centum upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for state and county taxes of the preceding year.

113. *Manner of collecting.*] § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

114. *Time of paying over.]* § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

115. *When tax levied for particular purpose.]* § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

116. *Uniformity.*] § 5. All taxes, levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the state.

Article IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

117. *Powers conferred.*] § 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvement by special assessment, or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

118. *Ordinance for improvement.*] § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the

same shall be made by special assessment or by special taxation of contiguous property, or general taxation or both.

119. *When property is taken, etc.*] § 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

120. *Petition.*] § 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

121. *Form of petition.*] § 5. Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.

122. *Summons—publication—notice.*] § 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this state, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons, in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served.

123. *Hearing—jury.*] § 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate

juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest.

124. *Jury to ascertain compensation—admitting other parties.*] § 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

125. *Viewing premises—ownership, etc.*] § 9. The court may upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein.

126. *Judgment—new parties—further proceedings.*] § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

127. *Powers of court.*] § 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment, or decree as the nature of the case may require.

128. *Ownership—further powers of court.*] § 12. No delay in

making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

129. *Persons under disability.]* § 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant or insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interests of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

130. *Judgment—effect—appeal, etc.]* § 14. Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

131. *Order for possession.]* § 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

132. *When improvement made by general tax.]* § 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general ap-

propriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

133. *Special taxation.*] § 17. When said ordinance, under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENT.

134. *How made.*] § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act [article] from 18 to 51, inclusive.

135. *Ordinances for sidewalks—owner's rights.*] § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance.

136. *Estimate of cost.*] § 20. The city council or board of trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees.

137. *Order for proceedings in court.*] § 21. On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

138. *Petition to court.*] § 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

139. *Appointment of commissioners—oath,*] § 23. Upon the

filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, }
..... County. } ss.

We, the undersigned, commissioners, appointed by the county court of ..... county, to assess the cost of ..... (here state in general terms the improvement), do solemnly swear (or affirm, as the case may be,) that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) or ..... and the property benefitted by such improvement, to the best of our ability, and according to law.

140. *Duty of commissioners.*] § 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefitted thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefitted, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefitted by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefitted: *And, provided, further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys.

[§ 25, repealed by act approved April 25, 1873.]

141. *Assessment roll—return.]* § 26. They shall also make, or cause to be made, an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract, or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had.

142. *Notice by mail, posting and publication.]* § 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

Mr.....Your (here give a short description of the premises) is assessed $.. for public improvement The assessment roll will be returned to the..... term of the county court of..... county.

(Here give date.)

.....
.....
.....
Commissioners.

Second—They shall cause at least ten days notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested that the city council (or board of trustees, as the case may be), of.....having ordered that (here insert the description and nature of improvements substantially as in ordinance), have applied to the county court of.....county for an assessment of the cost of said improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the .....term of said court, commencing on the... .....day of....., A. D. 18..:. All persons desiring may then and there appear and make their defense.

.....
(Here give date.) .....
.....
Commissioners.

143. *Proof of notice.]* § 28. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent, or caused to be sent, by mail, to the owners whose premises have been assessed, and whose name and place of business are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices.

144. *Continuance when notice is not in time.]* § 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

145. *Objections—judgment by default.]* § 30. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

146. *Hearing—jury.]* § 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of

the matter The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

147. *Precedence.*] § 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

148. *Court may modify, etc., the assessment.]* § 33. The court before which any such proceeding may be pending, shall have authority, at any time before final *adjournment* [judgment], to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing, or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement, according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

149. *Judgment several—appeal, etc.—lien.]* § 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

150. *Judgment certified to city clerk—filing—warrant.]* § 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office and issue a warrant for the collection of such assessment.

151. *Form of warrant.]* § 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

152. *Collector's notice—form of.]* § 37. The collector receiving such warrant shall immediately give notice thereof by publishing

such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO. —.

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or village) of.....; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office, (here insert location of office) within thirty days from the date hereof.

Dated this.....day of....., A. D. 18...

.....Collector.

153. *Manner of collecting—entry of payment.]* § 38. It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of $10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment], shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and postoffice address of the pereon making the payment, and date of payment.

154. *Report of delinquent list to county collector—evidence—defense.]* § 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrents received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of..... (or village of....., as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the appli-

cation for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

155. *Application for judgment—what laws govern.*] § 40. When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein.

156. *Return of sales—redemption.*] § 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this state.

157. *Penalty when lands are sold for tax, etc.*] § 42. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterward return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

158. *Paying over—compensation.*] § 43. The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

159. *General revenue laws apply.*] § 44. The general revenue laws of this state, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein other-

wise provided, shall be applicable to proceedings to collect such special assessment.

160. *City or village may buy in.*] § 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

161. *When assessment set aside—new assessment.*] § 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

162. *Supplemental assessments.*] § 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

163. *New assessments against delinquents—lien—limitation.*] § 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment,

and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

164. *Contracts payable from assessments.*] § 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collection of the special assessments made for the work contracted for.

165. *How contracts let—approval.*] § 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed $500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: *Provided, however*, any such contract may be entered intered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

166. *Lien.*] § 51. All special assessments levied by any city or village under this act, shall from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

167. *Collection by suit.*] § 52. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal), of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for

such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

168. *Supplemental petition to assess benefits in condemnation case.*] § 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with the costs of the proceeding. The said court shall have power, at any time after any such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated cost of making and collecting such assessment, and shall direct such cost to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases.

169. *Adoption of this article.*] § 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

Article X.

MISCELLANEOUS PROVISONS—WATER.

170. *Water—borrow money.*] § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

171. *Acquiring property for water works—jurisdiction over.*] § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the

manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend.

172. *Regulations—rates, taxation, etc.*] § 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the leying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance, prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

173. *Tax-payer may enforce rights in name of city, etc.* § 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

174. *Maps—approval of.*] § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

175. *Inhabitants competent as jurors, etc.*] § 6. No person shall be an incompetent judge, justice, or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

176. *Population — census.*] § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the

number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city, or village census so taken.

177. *Municipal year.*] § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections, unless otherwise provided by ordinance.

178. *City or village need not give appeal bond.*] § 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond.

Article XI.

THE ORGANIZATION OF VILLAGES.

* * * * * * * * * * *

179. *No incorporation allowed under former laws.*] § 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force for the incorporation of towns or cities.

180. *Changing from city to village.*] That it shall be the duty of the mayor and common council of any city, upon the petition of one-fourth of the legal voters thereof, and upon ten days previous notice of such application by the city clerk published in some newspaper printed in said city, or by posting such notices in five of the most public places within said city, for said period in case no such newspaper is printed in said city, to fix the time and call an election to decide whether said city shall be organized into a village. That said election shall be governed by the provisions of sections fifty (50), fifty-six (56) and fifty-seven (57) of said act, and the legal voters at said election shall vote for or against the organization of said city into a village, and the tickets shall be written or printed "*For Village Organization*," or "*Against Village Organization*," and if there shall be a majority of the votes cast at said election in favor of the organization of said city into a village, then said city shall be a village within the meaning of said act under its former name so changed, and shall succeed to all the rights and be liable for all the debts and legal liabilities of said city, and the mayor of said city shall, within ten days after said election, give notice of the time and place for the election of trustees, as near as may be, as provided for under section

one hundred and eighty-four (184) and one hundred and eighty-five (185) of said act, who shall hold their offices until the next regular election. *Provided*, that after one election shall have taken place, no other election for a like purpose until one year shall have elapsed. [This section added to the above act by amendment approved May 29, 1879.]

MISCELLANEOUS STATUTES.

ACTIONS TO RECOVER FINES AND PENALTIES—HOW BROUGHT.

AN ACT entitled "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof." [Approved May 31, 1879. In force July 1, 1879.]

181. *Suits—how brought, etc.*] *§ 1. Be it enacted by the People of the State of Illinois represented in the General Assembly*, That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this state, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

BONDS.

AN ACT to amend an act, approved April 27, 1877, entitled "An act to amend an act entitled an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities, approved February 13, 1865, and to amend the title thereof."

182. *New bonds may be issued for indebtedness in place of old ones.*] § 1. That in all cases where any county, city, town, township, school district, or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts, which are the binding, subsisting legal obligations of such county, city, town, township, school district, or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue, in lieu or place thereof, to the owners or holders of the same, new bonds prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, payable at such place, and bearing such rate of interest, not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness: *Provided*, that bonds issued under this act, to mature within five years from their date, may bear interest not to exceed eight per cent. per annum. And it shall also be lawful for the proper corporate authorities of any such county, city,

town, township, school district, or other municipal corporation, to cause to be thus issued, such new bonds, and sell the same to raise money to purchase or retire any or all of such outstanding bonds or other evidences of indebtedness; the proceeds of the sales of such new bonds to be expended, under the direction of the corporate authorities aforesaid, in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district, or other municipal corporation, and for no other purpose whatever. All bonds or other evidences of indebtedness, issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and shall be of uniform design and style, throughout the state, to be prescribed by the state auditor, whose imperative duty it shall be to devise and prepare such uniform style and draft adapted to the classes of bonds herein provided for, namely: The first class to consist of bonds, of which only the interest is payable annually; the second class to consist of those of which the interest and five per centum of the principal are to be paid annually; and the third class to consist of a graduated series, the first grade, made payable, principal and interest, at the end of one year from the date of issue; the second at the end of two years, and thus to the end of the series, the class to be issued being at the option of the legal voters expressed as herein provided. In any case, the new bonds, or other evidences of indebtedness, authorized to be issued by this act, shall not be for a greater sum, in the aggregate, than the principal and accrued or earned interest unpaid of such outstanding bonds or other evidences of indebtedness. And when such new bonds, or other evidences of indebtedness, shall have been issued, in order to be placed on the market and sold to obtain proceeds with which to retire outstanding bonds, or other evidences of indebtedness, it shall be the duty of the state auditor, on the request of the corporate authorities issuing them, and at the expense of the corporation in whose behalf the issue is thus made to negotiate the same, at not less than par value, and on the best terms which can be obtained: *Provided*, always, that any such county, city, town, township, school district, or other municipal corporation issuing bonds under the provisions of this act, may, through its corporate authorities duly authorized, negotiate, sell or dispose of said bonds, or any part thereof, at not less than their par value without the intervention of the auditor of state: *And provided, further*, That no new bonds or other evidences of indebtedness, shall be issued under this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a majority of the legal voters of such county, city, town, township, school district, or other municipal corporation voting at some general election, or special election held for that purpose.

183. *Valuation of taxable property to be indorsed on bond.*] § 2. In all cases where any county, city, town, township, school district, or other municipal corporation shall issue any bonds or evidences of indebtedness, under this act, it shall be the duty of the county clerk of

such county, or other officer to whom, or to whose office, the assessment rolls for state taxation of the property within such county, city, town, township, school district, or other municipal corporation, are or shall be returnable, within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the auditor of public accounts, to be filed in his office, a certificate setting forth the total value of all taxable property, of every nature and description, within such county, city, town, township, school district, or other municipal corporation, as exhibited by such assessment. And it shall be the duty of the auditor of public accounts to place on the back of all new bonds, or other evidences of indebtedness, issued under the provisions of this act, a certificate setting forth an aggregate statement of the amount of valuation of the taxable property of the municipal corporation issuing such new bonds, or other evidences of indebtedness; said certificate specifically distinguishing the value of real estate and personal property, and being based on the return provided for, in this section, or, if there should be no such return made by the county clerk to the state auditor, then based on an affidavit made by the officials of the corporation issuing the bonds.

184. *Election—notice.*] § 3. It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters, resident therein, to submit to the voters thereof, at any general or special election, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election, which notice shall state the number and amount of bonds proposed to be issued; the kind or class thereof as specified in the first section of the act of 1865 as hereby amended, and as also amended by the said act of 1877; the amount of each; the rate of interest, under the limitation of this amendatory act; when and where payable; for what purpose issued, and the time and place when and where said election will be held. And upon like petition and notice it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read "For issuing the bonds," or, "Against issuing the bonds." If a majority of the votes cast be for issuing the bonds, the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in any wise affect the power of the city of Monmouth, to issue new bonds of said city conferred by an act of the general assembly, approved February 13, 1865, amending the charter of said city, nor to, in anywise affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof.

185. *Registration.]* § 4. Upon the surrender of any bond, or other evidence of indebtedness, under this act, the same shall be endorsed canceled, and shall from time to time be destroyed under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or other municipal corporation, as the case may be, shall make registration thereof in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given, as nearly as practicable. On presentation of any such new bond or evidence of indebtedness, issued under this act, at the office of the auditor of public accounts, for registration, the said auditor shall cause the same to be registered in his office, in a book to be kept for that purpose: such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose, and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person, or persons, presenting the same for registration, and for such registration the auditor shall be entitled to a fee of twenty-five cents, and the auditor shall, under his seal of office, certify upon such bond the fact of such registration for which the auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the state auditor, until a sworn certificate shall have been filed with him, showing that all the requirements of this act, have been fully complied with, in their issue. In the case of county bonds, such affidavits shall be made by the chairman of the county board. In case of township bonds, by the supervisor of such township; in case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election at which the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality, for the previous year, together with any other information in relation thereto, which may be demanded by the auditor of public accounts.

186. *Auditor to certify rate required.]* § 5 When the bonds, or other evidences of indebtedness, of any county, city, town, township, school district or other municipal corporation, shall be so regis-

tered, the auditor of public accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness, so registered in his office, and shall upon the basis of the certificate of the valuation of property to be transmitted to him, as aforesaid, or, in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum, upon the valuation of such property, requisite to meet and satisfy the said interest, or interest and principal, as the case may be, together with the ordinary cost to the state, of the collection and disbursement of the same, to be estimated by the auditor and state treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district, or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of state taxes in such county, city, town, township, school district, or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes, to be filed in his office; and the said per centum shall thereupon be deemed added to and a part of the per centum which is or may be levied, or provided by law, for the purposes of state revenue, and shall be so treated by such clerk, officer or authority in making such estimates and books for the collection of state taxes; and the said taxes shall be collected with the state taxes, and all laws relating to the state revenue shall apply thereto, except as herein otherwise provided: *Provided*, That it shall be lawful for the county collector at any time before settlement with the state treasurer to pay from such taxes, any coupons that are due for interest that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, whether due or not, and in settlement with the state treasurer, the county collector shall be credited with such paid coupons and bonds the same as money.

187. *State custodian—collection—payment.*] § 6. The state shall be deemed the custodian only of the tax so collected, and shall not be deemed, in any manner, liable on account of such bonds, or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, and evidences of indebtedness, to satisfy which, the same, is hereinbefore provided to be collected, as aforesaid, and such new bonds and evidences of indebtedness, issued under the authority hereof, shall be deemed secured and provided for, in virtue and faith hereof, until fully satisfied. The state shall annually collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds, or evidences of indebtedness,

of any such county, city, town, township, school district, or other municipal corporation, to the extent the same is herein contemplated to be derived from such tax, in the same manner as the interest on the bonds of the state is, or may be collected, or paid, and in like moneys as shall be receivable in payment of state taxes; and moneys so paid upon the principal of any such bonds, or evidences of indebtedness, shall be endorsed thereon, and due receipts therefor shall be taken and filed in the office of the auditor of public accounts, or state treasurer, and interest coupons, or bonds or other evidences of indebtedness, so paid, sall be returned to one of said officers, and shall be canceled and returned to the corporate authorities of the municipality which issued the same, in the manner now provided by law.

188. *How money disbursed.*] § 7. The state may, out of such fund, first retain or satisfy the ordinary cost to the state, of the collection and disbursement thereof; and in case of the non-presentment of any such bond, or evidence of indebtedness, or interest coupon of any such county, city, town, township, school district, or other municipal corporation, for payment, at the times and when and where the interest on the state debt is, or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corporation of the current or ensuing year, and be considered by the auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the state debt, or the cancellation of the evidence thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act.

189. *When registered bonds mature and are not paid.*] § 8. Upon the maturity of such registered bond, or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district, or other municipal corporation issuing the same, the holder thereof may cause the same to be registered in the office of the auditor, as a matured or unsatisfied bond, or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof, at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the state of the collection and disbursement thereof, as aforesaid; the same proceedings in all respects, shall be had as is hereinbefore provided, for the payment of the interest on such bonds and evidences of indebtedness, by the collection of an annual tax sufficient for the purposes in the section contemplated; and the same shall be collected and applied, as aforesaid, to such purpose, from year to year, until the full satisfaction thereof, when such bonds or evidence of indebtedness shall be canceled and returned, as hereinbefore provided.

190. *Entry of payment.*] § 9. Upon the payment of any such

registered bond, or evidence of indebtedness, and presentation thereof to the auditor, he shall cause due entry thereof to be made in his office.

191. *Fees—collector's bond.*] § 10. There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under the provisions of this act, the same fees, or compensation, as is or may be allowed by law for collecting and paying over state taxes, and where such tax is levied, the bonds of the collectors thereof shall be increased in proportion to the estimated amount of such tax to be collected.

192. *Bonds—by whom executed.*] § 11. All bonds issued under this act shall be executed on behalf of the municipalities issuing the same, by the following named officers, viz: On behalf of counties under the township organization laws of this state, by the chairman of the board of supervisors, and the clerk of the county court attesting the same with his signature and official seal. On behalf of counties not under township organization, by the acting chairman of the board of county commissioners, together with the clerk of the county court attesting the same with his signature and official seal. On behalf of cities, by the mayor and city clerk, together with the seal of the city; on behalf of towns organized under the township organization law of this state, by the supervisor or supervisors of such town (as the case may be) and the town clerk of such towns. On behalf of all other municipalities hereinbefore mentioned, by the president, chairman, or chief executive officer thereof, together with the clerk or secretary thereof. *Provided*, that nothing herein contained shall be so construed as to authorize the officers herein mentioned to issue bonds under this act, except upon a majority vote of the voters, as hereinbefore provided.

AN ACT to enable counties, cities, townships, school districts, and other municipal corporations, to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same [Approved and in force March 26, 1872.]

193. *New bonds for old indebtedness.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cases where any county, city, town, township, school district, or other municipal corporation, have issued bonds or other evidences of indebtedness for money, on account of any subscription to the capital stock of any railroad company, or an account of, or in aid of any public buildings or other public improvement, or for any other purposes which are now binding or subsisting legal obligations against any county, city, town, township, school district, or other municipal corporations, and remaining outstanding, and which are properly authorized by law, the proper authorities of any such county, city, town, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of inter-

est, *not exceeding ten per cent.*, as may be agreed upon with such holders or owners: and such new bonds or other evidences of indebtedness, so issued, shall show on their face that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness, shall first be authorized by a vote of a majority of the legal voters of such county, city, town, township, school district or other municipal corporation, voting either at some annual or special election of such municipal corporation; *And, provided, further*, that such bonds or other evidences of indebtedness, shall not be issued so as to increase the aggregate indebtedness of such municipal corporation beyond five per centum on the value of the taxable property therein—to be ascertained by the last assessment for state and county taxes, prior to the issuing of such bonds or other evidences of indebtedness. Nothing contained in this act, or in the act to which this is an amendment, shall be held to repeal or in anywise affect the power of the city of Monmouth to issue new bonds to an amount sufficient to retire and satisfy maturing bonds of said city, conferred by Section 38 of an act of the general assembly, approved February 13, 1863, amending the charter of said city.

194. *Emergency.]* § 2. *Whereas*, some counties, cities, townships and other municipal corporations in this state, have outstanding bonds and other evidences of indebtedness that will soon fall due, and are without any remedy for renewing or funding the same, therefore this act shall be in force from and after its passage.

OFFICIAL BONDS.

AN ACT to revise the law in relation to official bonds. [Approved March 13, 1874. In force July 1, 1874.]

195. *When additional or new bonds may be required.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all official bonds required by law to be given by any public officer, or public employe, including executor, administrator, guardian or conservator, in this state, shall be signed and sealed by any said officer, employe, executor, administrator, guardian or conservator and his securities, and acknowledged before some officer authorized by law to take acknowledgments of instruments under seal, which said acknowledgments shall be substantially in the following form:

STATE OF ILLINOIS, }
..... County. } ss.

I, ...hereby certify that.....who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and.....seal this.....day of.....A. D....

Which acknowledgment shall be deemed and taken as *prima facie* evidence that the instrument was signed, sealed and acknowl-

edged in the manner therein set forth, and such acknowledgments shall have the same force and effect as evidence in all legal proceedings, as that given to acknowledgments of deeds of conveyance of real estate. That all public officers or employes who are compelled to give official bonds may be required by the court, officer, or board, whose duty it is to take or approve such bonds, to give additional surety or new bonds whenever the security of the original bond has become insufficient by the subsequent insolvency, death or removal of the sureties or any of them, or when for any cause any such bond shall be deemed insufficient. Any officer or employe failing to give bond when required, pursuant to this section, within ten days after he is notified in writing of such request, shall be deemed to have vacated his office.

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196. *Release of sureties.]* § 10. When a surety upon the official bond of any state officer or agent, county, town, city, village, incorporated town, or other public officer, or the heir, executor or administrator of such surety, desires to be released from such bond, he may give notice in writing to the officer upon whose bond he is surety that he desires to be so released, and that such officer give a new bond with sufficient sureties within ten days after receiving such notice, and may within five days after the service of such notice deliver a copy of the same, with an affidavit showing the time and manner of service to the court, officer, or board authorized to approve the bonds of such officers. And if such officer shall not within ten days after receiving such notice, or within such further time, not exceeding twenty days, as the court, officer or board shall allow, give a new bond with sufficient security, approved as required by law, his office shall become vacant, and the vacancy shall be filled as provided by law.

197. *Effect of new bond.]* § 11. If a new bond shall be given by any officer, as provided in the foregoing sections of this act, then the former sureties shall be entirely released and discharged from all liabilities incurred by any such officer in consequence of business which may have come to hand from and after the time of the approval of the said new bond, and the sureties to the new bond are hereby declared to be liable for all the official delinquencies of said officer, whether of omission or commission, which may occur after the approval of the new bond as aforesaid; but the provisions of this act shall not be so construed as to operate as a release of the sureties of any of the aforesaid officers, for liabilities incurred previous to the filing of a new bond, as required in the foregoing sections of this act.

198. *When effects to be delivered to sureties.]* § 12. It shall be the duty of such officer, if he shall fail to give bond as provided for in this act, forthwith to deliver over to his sureties all books, moneys, vouchers, papers, and every description of property whatever pertaining to his office, and the said sureties may, at any time after said

failure to file said bond, maintain an action of replevin, or other appropriate action, to recover such property, money or effects from their said principal.

199. *Suit on bond—executors, etc.]* § 13. Whenever the condition of the bond of any public officer shall be violated, suit may be instituted on such bond, and prosecuted to final judgment against such officer, and any or all of the sureties, or against one or more of them, jointly and severally, without first establishing the liability of the principal by obtaining judgment against him alone. The provisions of this section shall extend to the official bonds of executors, administrators, guardians and conservators, and in suits thereon it shall not be necessary to a recovery that a devastavit should have previously been established against the principal.

200. *Execution—lien.]* § 14. Execution may issue on any judgment so rendered as in ordinary cases, but the officer executing the same shall not levy upon the property of the sureties until he shall fail to find sufficient property of the principal to satisfy such execution: *Provided, however*, the judgment and execution shall be a lien upon the property of the sureties as in ordinary cases.

SALOON BONDS.

AN ACT to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors. [Approved March 30, 1874. In force July 1, 1874.]

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201. *Bond—how taken—suit on.]* § 5. No person shall be licensed to keep a dram shop, or to sell intoxicating liquors, by any county board, or the authorities of any city, town or village, unless he shall first give bond in the penal sum of $3,000, payable to the people of the state of Illinois, with at least two good and sufficient sureties, freeholders of the county in which the license is to be granted, to be approved by the officer who may be authorized to issue the license, conditioned that he will pay to all persons all damages that they may sustain, either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors. The officer taking such bond may examine any person offered as security upon any such bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person, or his legal representatives, who may be injured by reason of the selling or giving away any intoxicating liquor by the person so licensed, or by his agent or servant.

BRIDGES.

AN ACT to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same. [Approved and in force May 5, 1879.]

202. *May construct ferries and bridges.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be lawful for any city or village within this state to build or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits, or at any point within five miles of the corporate limits of such city or village. That all such ferries and bridges shall be free to the public, and that no toll shall ever be collected by any such city or village authority.

203. *Control by city.]* § 2. Every bridge and ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes, and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case, the county may assist in the construction of said bridge, as is now provided by law.

204. *Emergency.]* § 3. *Whereas*, certain cities in this state have built bridges outside of their corporate limits, over which they have no police control; therefore an emergency exists, and this act shall be in force from and after its passage,

AN ACT to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this state, and to provide for the enforcing of the same. [Approved and in force May 13, 1879.]

205. *Penalty for fast driving, etc.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whoever shall ride or drive faster than a walk, over any bridge in this state, owned or controlled, either the whole or a part thereof, by any city, village or town of this state, shall for each offense, be fined in a sum not exceeding ten dollars nor less than one dollar: *Provided*, that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender, all fines collected under this act shall be paid into the com-

mon school fund of the county. *Whereas*, the law is inadequate for the protection of bridges which are owned or controlled, the whole or part thereof, by cities, villages and towns of this state, therefore an emergency exists, and this act shall take effect from and after its passage.

CEMETERIES.

AN ACT to provide for the removal of cemeteries. [Approved April 24, 1873. In force July 1, 1873.]

206. *When cemetery may be removed—expense.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever any cemetery shall be embraced within the limits of any town or city, it shall be lawful for the corporate authorities thereof, if, in their opinion, any good cause exists why such cemetery should be removed, to cause the remains of all persons interred therein to be removed to some other suitable place: *Provided*, said corporate authorities shall have first obtained the assent of the trustees or other persons having the control or ownership of said cemetery, or a majority thereof: *And, provided further*, that when such cemetery is owned by one or more private parties, or private corporation or chartered society, the corporate authorities of such town or city may require the removal of such cemetery to be done at the expense of such private parties, or private corporation or chartered society, if such removal be based upon their application.

AN ACT to enable cities and villages to establish and regulate cemeteries. [Approved March 24, 1874. In force July 1, 1874.]

207. *Power of city or village to establish—acquire lands.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any city, village, or township in this state, may establish and maintain cemeteries within and without its corporate limits, and acquire lands therefor, by purchase, condemnation, or otherwise; and may lay out lots of convenient size for families; and may sell lots for family burying grounds, or to individuals for burial purposes.

CITY—CHANGING NAME.

AN ACT to enable any city, town or village in this state to change its name. [Approved March 7, 1872. In force July 1, 1872.]

208. *Petition.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever a petition signed by the qualified electors of any city, incorporated town, or incorporated village of this state, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town or village, praying that the name of such city, town or village may be changed,

it shall be lawful for such corporate authorities to make such change in the manner hereinafter prescribed.

209. *Proceedings.*] § 2. Previous to the presentation of the petition in the preceding section mentioned, the name proposed to be given to such city, town or village shall be filed in the office of the secretary of state, to be there retained for the period of at least sixty days, and upon application, the secretary of state shall, at any time after the filing of such name, grant a certificate, stating that such name has not been given to any other city, incorporated town, or incorporated village, or municipality in this state, if such be the fact; but if such name has been adopted by any other city, town, village or municipality, as appears from information in his office, the secretary of state shall so notify the party or parties making such application, in which case another name shall be filed in his office, which name shall likewise remain for the like period of sixty days; and no petition shall be acted upon by said corporate authorities unless accompanied by the certificate of the secretary of state, setting forth that such name has not been adopted elsewhere in this state.

210. *Duties of secretary of state.*] § 3. The secretary of state shall, as soon as practicable after the passage of this act, communicate with the clerks of the several counties of this state, and ascertain the names of all the cities, towns, villages or other municipal corporations therein, and arrange such names in alphabetical order for convenient reference. Such lists of names shall be kept filed in his office, and shall be changed whenever a change of names shall be effected under the provisions of this act.

211. *Time of hearing to be fixed—notice.*] § 4. At any meeting of the corporate authorities of any city, incorporated town or incorporated village, after presentation of the petition herein provided, such corporate authorities shall fix the time when such petition shall be considered, and order notice of the presentation thereof to be given, by publishing such notice for three successive weeks in some newspaper having a general circulation in such city, town or village. Such notice shall state that a change of the name of such city, town or village has been prayed for, and the time when action on said petition will be had, at which time remonstrances, if any, will be heard.

212. *Hearing petition and remonstrances.*] § 5. At the time fixed in the notice provided for in the preceding section, or if, from any cause, action thereon is not taken, such petition praying for a change of name shall be, with all remonstrances, heard at any subsequent meeting of the corporate authorities of any such city, town or village; and if said corporate authorities are satisfied that such change of name is necessary and proper, they shall thereupon make an order changing the name of such city, town or village, and adopting the name prayed for in such petition.

213. *Order filed with secretary of state—notice.*] § 6. If said

change of name is made, said corporate authorities shall cause a copy of the order making such change to be filed in the office of the secretary of state, who shall thereupon make known the fact of such change, by publication in some newspaper of the county in which such city, town or village is situated, and also in some newspaper in the city of Chicago; and all the courts of this state shall take judicial notice of the change thus made.

214. *Rights saved.*] § 7. Nothing in this act contained shall affect the rights or privileges of such city, town or village, or those of any person, as the same existed before such change of name. And all proceedings pending in any court or place in favor of or against said city, town or village, may be continued to final consummation under the name in which the same was commenced.

215. *When change void.*] § 8. If the name of any such city, town or village shall be changed contrary to or without complying with the provisions of this act, such change shall be void; and all proceedings instituted or acts done in such name as changed, shall be void and held for naught in the courts of this state.

216. *Name of unincorporated town, etc.*] § 9. When the plat of any unincorporated town or village shall be placed upon record in any county of this state, the circuit court of said county shall have power, at any regular term of said court, to change the name of such unincorporated town or village, upon the petition of a majority of the legal voters residing within the limits of such town or village: *Provided*, notice of the proposed change of name shall be filed in the office of the secretary of state, as provided in section two of this act.

AN ACT to authorize county boards in counties under township organization to organize certain territory situated therein as a town. [Approved May 23, 1877. In force July 1, 1877.

217. *Territory of city organized as town.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county board, in any county under township organization, may provide that the territory embraced within any city in such county shall be organized as a town: *Provided*, such territory shall have a population of not less than three thousand: *And, provided*, the city council in such city shall, by resolution, request such action by the county board.

218. *Town in city.*] § 2. The territory of any city now organized, within the limits of any county under township organization, and not situated within any town, shall be deemed to be a town.

219. *Election of officers.*] § 3. All town officers within any town organized as aforesaid, shall be elected at the annual charter election of such city. All general elections held in such city and

town, shall be held at the same voting places as the city elections, with judges and clerks appointed in like manner as for the city elections.

220. *Powers exercised by council.*] § 4. The powers vested in such town shall be exercised by the city council.

221. *What city council may provide.*] § 5. The city council in such city and town may, by ordinance, provide that the officers of city and town clerk shall be united in the same person; that the election of highway commissioners shall be discontinued; that the offices of supervisor and poormaster shall be separated, and the poormaster appointed by the city council.

222. *May regulate the number of justices.*] § 6. The city council in such city and town may, from time to time, regulate the number of justices of the peace, police magistrates and constables to be elected within such city and town; but the number elected to either of such offices shall not exceed the number allowed by law to other towns of like population.

223. *Vacancies.*] § 7. Vacancies in any of the town offices within such city and town may be filled by the city council.

CRIMINAL CODE.

AN ACT to revise the law in relation to criminal jurisprudence. [Approved March 27, 1874. In force July 1, 1874.]

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224. *Duty of officers.*] § 2. It shall be the duty of every sheriff, coroner, constable, and every marshal, policeman, or other officer of any incorporated city, town or village, having the power of a sheriff or constable, when any criminal offense or breach of the peace is committed or attempted in his presence, forthwith to apprehend the offender and bring him before some justice of the peace, to be dealt with according to law; to suppress all riots and unlawful assemblies and to keep the peace, and without delay to serve and execute all warrants, writs, precepts and other process to him lawfully directed.

ELECTIONS.

AN ACT to provide for the time of opening and closing the polls during elections of cities, towns and villages in this state. [Approved May 29, 1879. In force July 1, 1879.]

225. *Time of opening and closing polls.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That in all city, town or village elections, in this state, the

polls shall remain open from eight (8) o'clock, A. M., until seven (7) o'clock, P. M., any law in any special charter to the contrary notwithstanding.

AN ACT relating to elections, and to fix the time for holding the same, in cities having the same territory as an organized township. [Approved May 6, 1879. In force July 1, 1879.]

226. *Elections.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter the regular charter election for the election of city officers of any city having the same territory as an organized township, shall take place on the same day provided by law for the township election, to-wit: On the first Tuesday of April, anything in the charter of such city to the contrary notwithstanding, and such charter and township elections may be conducted in all respects as provided in and by an act entitled "An Act to amend section seven (7) of article seven (7) of an act entitled 'An Act to revise the law in relation to township organization,'" approved and in force March 4, 1874; approved and in force March 9, 1877. *Provided*, that this act shall not be so construed as to require any city to hold its charter election oftener than its charter may prescribe.

EVIDENCE.

AN ACT in regard to evidence and depositions in civil cases. [Approved March 29, 1872. In force July 1, 1872.]

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227. *Records, etc., of cities, etc.—how certified.]* § 14. The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or the keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal.

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228. *Form of certificate.]* § 16. The certificate of any such clerk of a court, city, village, town, county, or secretary, clerk, cashier, or other keeper of any such papers, entries, records or ordinances, shall contain a statement that such person is the keeper of the same, and if there is no seal, shall so state.

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229. *Sworn copies.]* § 18. Any such papers, entries, records and ordinances may be proved by copies examined and sworn to by credible witnesses.

230. *Penalty.]* § 19. If any such officer, clerk, secretary, cashier, justice of the peace, or other person authorized to certify copies of any papers, entries, records or ordinances, shall knowingly make a false certificate, he shall be punishable in the same manner as if he were guilty of perjury.

HOUSES OF CORRECTION.

AN ACT to establish houses of correction, and authorize the confinement of convicted persons therein. [Approved April 25, 1871.]

231. *Cities may establish.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be lawful for the municipal authorities of any city within this state to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this state, or ordinance of any city or village, authorizing the confinement of convicted persons in any such house of correction.

232. *Inspectors—appointment—term of office.*] § 2. The management and direction of any house of correction already established, or which may hereafter be established in any such city, shall be under the control and authority of a board of inspectors, to be appointed for that purpose as in this section directed. The mayor of said city shall, by virtue of his office, be a member of said board, who, together with three persons to be appointed by the mayor, by and with the advice and consent of the legislative authority of said city, shall constitute the said board of inspectors. The term of office for the appointed members of said board shall be three years, but the members first appointed shall hold their office, respectively, as shall be determined by lot at the first meeting of said board, for one, two, and three years from and after the first Monday in May, in the year of our Lord 1871, and thereafter one member shall be appointed each year for the full term of three years.

233. *Rules—employes—appropriations.*] § 3. That whenever a board of inspectors have been organized as in section second of this act directed, they shall have power and authority to establish and adopt rules for the regulation and discipline of the said house of correction, for which they have respectively been appointed, and, upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employes thereof; to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient. No appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of the legislative authority of said city.

234. *Compensation and duties of inspectors—records.*] § 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board, at the house of correction, once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and neces-

sary. One of said appointed inspectors shall visit the said house of correction once, at least, in each month. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and, with the other books and records of said house of correction, shall be at all times subject to the examination of any member or committee of the legislative authority, the comptroller, treasurer, corporation counsel or attorney of any such city.

235. *Books—quarterly statement—accounts.]* § 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business, or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely, all receipts and expenditures, from whom received and to whom paid, and for what purpose; proper vouchers for each, to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him to the legislative authority thereof, for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year shall be made out and submitted to the legislative authority of said city, and to the governor of the state, to be by him transmitted to the general assembly.

236. *Further reports—removal of officers, etc.]* § 6. The legislative authority of said city may require such further reports and exhibits of the condition and management of such institution as to them shall seem necessary and proper, and may, with the approval of the mayor, remove any inspector of said institution. But any subordinate officer or employe may be removed by the superintendent at his discretion, but immediately upon the removal of such officer or employe, he shall report to said board the name of the person removed and the cause of such removal.

237. *Duties of superintendent—appointment—term of office—deputy.]* § 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be appointed by the mayor by and with the consent of said board of inspectors, and shall hold his office for four years, and until his successor shall have been duly appointed and qualified, but he may be removed by the inspectors at any time, when in their judgment it shall be advisable. He shall be responsible for

the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote all his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof and of each prisoner therein confined, daily. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof and safe keeping of prisoners.

238. *County may use house of correction.*] § 8. The board of supervisors or commissioners of any county, and the board of trustees of any village or town, in any county in the state, in which a house of correction is established, shall have full power and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer in behalf of such city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto, by any court or magistrate, in any of said counties, whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners for any county in behalf of which such agreement shall have been made, or of the trustees of the village or town, in behalf of which such agreement has been made, as the case may be, to give public notice thereof, in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force.

239. *Commitment.*] § 9. In counties, towns and villages having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate in such county, town or village, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, village or town calaboose, there to be received, and kept in the manner prescribed by law and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said house of correction,

240. *Conveying convict to house of correction—fees.*] § 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with any such city to whom any warrant of commitment for that purpose may be directed by any court, justice or magistrate aforesaid, in such county, to convey such person so sentenced to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person so sentenced,

and to safely keep and employ such person for the term mentioned in the warrant of commitment, according to the laws of said house of correction; and the officers thus conveying and so delivering the person or person so sentenced shall be allowed such fees, as compensation therefor, as shall be prescribed or allowed by the board of supervisors or commissioners of the said county.

241. *Application of other laws, etc.*] § 11. All provisions of law and ordinances authorizing the commitment and confinement of persons in jail, bridewells and other city prisons, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to such house of correction.

242. *House of Shelter.*] § 12. It shall be lawful for the inspectors of any such house of correction to establish in connection with the same a department thereof, to be called a house of shelter, for the more complete reformation and education of females. The inspectors shall adopt rules and regulations by which any female convict may be imprisoned in one or more separate apartments of the said house of correction, or of the department thereof called the house of shelter. The superintendent of said house of correction shall appoint, by and with the advice of the board of inspectors, a matron and other teachers and employes for the said house of shelter, whose compensation shall be fixed and provided for as in this act provided for the officers and other employes of the said house of correction.

243. *Expenses.*] § 13. The expenses of maintaining any such house of correction over and above all receipts for the labor of persons confined therein, and such sums of money as may be received from time to time by virtue of an agreement with a county, as in this act contemplated, shall be audited and paid from time to time by the legislative authority of such city, and shall be raised, levied and collected as the ordinary expenses of the said city.

244. *United States convicts.*] § 14. It shall be lawful for the inspectors of any such house of correction to enter into an agreement with any officer of the United States authorized therefor, to receive and keep in such house of correction any person sentenced thereto, or ordered to be imprisoned therein, by any court of the United States, or other federal officer, until discharged by law.

245. *Bridewell changed to house of correction.*] § 15. That in any such city having, prior to the passage of this act, established a bridewell for the confinement of convicted persons, such institution shall, immediately upon the appointment of the inspectors in this act contemplated, be known and denominated as the house of correction of the city in which it is located.

246. *Salary of superintendent—record of conduct—good time.*] § 16. The superintendent of any such house of correction shall receive a salary per annum, to be fixed by the legislative authority of

such city, to be paid quarterly. It shall be his duty to keep a record of each and all infractions of the rules and discipline of said house of correction, with the names of each, the convicts offending, and the date and character of each offense, and every convict sentenced or committed for six months or more, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence, for each month he or she shall continue to obey all the rules of said house of correction.

247. *Oath—bond.]* § 17. The inspectors of any such house of correction and the superintendent thereof, shall, before they enter on the duties of their respective offices, take and subscribe the usual oath of office. Said inspectors and superintendent shall severally give bond to such city with sureties, and in a penal sum such as may be required by the legislative authority thereof, for the faithful performance of their duties.

HOUSES OF ILL-FAME.

AN ACT to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this state. [Approved and in force March 27, 1874.]

248. *Licensing and medical inspection forbidden.]* § 1 *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employe of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.

249. *Emergency.]* § 2. *Whereas*, the legislative authorities of certain cities in this state are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

INSURANCE COMPANIES.

AN ACT to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the state of Illinois. [Approved March 11, 1869. In force July 1, 1869.]

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250. *Tax on net receipts.]* § 30. Every agent of any insurance company, incorporated by the authority of any other state or government, shall return to the proper officer of the county, town or municipality in which the agency is established, in the month of May,

annually, the amount of the net receipts of such agency for the preceding year, which shall be entered on the tax lists of the county, town and municipality, and subject to the same rate of taxation, for all purposes—state, county, town and municipal—that other personal property is subject to at the place where located; said tax to be in lieu of all town and municipal licenses; and all laws and parts of laws inconsistent herewith, are hereby repealed: *Provided*, that the provisions of this section shall not be construed to prohibit cities having an organized fire department from levying a tax, or license fee, not exceeding two per cent., in accordance with the provisions of their respective charters, on the gross receipts of such agency, to be applied exclusively to the support of the fire department of such city. [As amended by act, approved May 31, 1879. In force July 1, 1879.]

JURISDICTION OF JUSTICE.

AN ACT to provide for the jurisdiction of justices of the peace in civil cases. [Approved April 1, 1872. In force July 1, 1872.]

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251. *City ordinances.*] § 14. Justice of the peace shall have jurisdiction in all cases for violation of the ordinances of cities, towns or villages.

LIBRARIES.

AN ACT to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms. [Approved and in force March 7, 1872.]

252. *Establishment by city—tax—fund.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the city council of each incorporated city shall have power to establish and maintain a public library and reading-room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar, annually, and in cities of over one hundred thousand inhabitants, not to exceed one fifth of one mill annually, on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund."

253. *Directors.]* § 2. When any city council shall have decided to establish and maintain a public library and reading-room under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board.

254. *Term of office—removal.]* § 3. Said directors shall hold

office one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

255. *Vacancies—compensation.*] § 4. Vacancies in the board of directors, occasioned by removals, resignation, or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

256. *Organization—powers of directors—funds.*] § 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading-room.

257. *Who may use library.*] § 6. Every library and reading-room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use of such library and reading-room to persons residing outside of such city in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe.

258. *Report of directors.*] § 7. The said board of directors

shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well (as) the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

259. *Penalties.*] § 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds, or other property thereof, and for injury to or failure to return any book belonging to such library.

260. *Donations.*] § 9. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

Sections 10 and 11 refer to libraries in incorporated towns.

261. *Emergency.*] § 12. *Whereas*, all the libraries of Chicago were destroyed by the recent fire in that city, and large donations of books have been made to found a free library, and whereas no suitable building or organization exists to receive or preserve them, therefore an emergency exists that this law shall take effect immediately; therefore this act shall take effect and be in force from and after its passage.

MARKETING PRODUCTS.

AN ACT for the protection of farmers, fruit-growers, vine-growers and gardeners. [Approved January 13, 1872. In force July 1, 1872.]

262. *Farmer, etc., may sell products without license.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That every farmer, fruit and vine grower, and gardener, shall have an undisputed right to sell the produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper, without paying any state, county, or city tax, or license, for doing so, any

law, city or town ordinance to the contrary notwithstanding: *Provided*, that the corporate authorities of any such city, town or village may prohibit the obstruction of its streets, alleys and public places for any such purpose: *And, provided further*, that nothing in this act shall be so construed as to authorize the sale of spirituous, vinous or malt liquors, contrary to laws which now are or hereafter may be in force prohibiting the sale thereof.

MAYOR'S BILL.

AN ACT concerning the appointment and removal of city officers in all cities in this state, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinances that may be passed in such cities. [Approved and in force April 10, 1875.]

263. *Power of mayor and council—repeal.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly.*

(Section one of this act is repealed by act approved May 28, 1879.)

264. *Approval and veto of ordinances.]* § 2. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk, and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force; but in case the mayor shall fail to return any ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

265. *Passage over mayor's veto.]* *§ 3.* Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

266. *Emergency.]* *§ 4. Whereas*, the legislative authorities in many cities pass their appropriation bills before the first day of July next, and mayors have no power to veto a part of such appropriation or ordinance, wherefore an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

OFFICERS OF CITIES

AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers. [Approved April 9, 1872. In force July 1, 1872.]

BURGESS & MANNON, Attys.

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267. *Aldermen of cities—trustees of villages.]* § 2. That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this state, during the term of office for which he is elected, to accept or be appointed to or hold any office, by the appointment of the mayor or president of the board of trustees thereof; and any and all such election or appointment shall be absolutely null and void.

268. *Not to be interested in contracts—not to act as attorney to procure—bribery.]* § 3. It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this state, to become in any manner interested either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

269. *Penalty.]* § 4. Any alderman, member of a board of trustees, supervisor, or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this state, or any law now or hereafter in force in this state, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof may be punished by confinement in the penitentiary for a term not less than one year nor more than five or fined in a sum not less than $200 nor more than $1,000, or both, in the discretion of the court before which such conviction shall be had; and in addition thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction, become vacant, and shall be so declared as part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this state for the period of two years from and after the date of such conviction.

OFFICERS—RESIGNATIONS AND VACANCIES.

AN ACT in regard to elections, and to provide for filling vacancies in elective offices [Approved April 3, 1872. In force July 1, 1872.]

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270. *Of elective officers.]* § 124. Resignations of elective offices

shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

271. *When office becomes vacant.*] § 125. Every elective office shall become vacant on the happening of either of the following events, before the expiration of the term of such office.

First—The death of the incumbent.

Second—His resignation.

Third—His becoming insane.

Fourth—His ceasing to be an inhabitant of the state; or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth—His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

272. *Who may determine when vacancy exists.*] § 126. Whenever it is alleged that a vacancy in any office exists, the officer, court, or county board, whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exists.

OFFICERS—SALARIES OF.

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. [Approved and in force April 23, 1873.]

273. *When to be fixed—not changed during term.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and

no extra compensation shall ever be allowed to any such officer or employe over and above that provided in manner aforesaid.

274. *Emergency.*] § 2. *Whereas,* the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

OIL INSPECTION.

AN ACT to revise the law in relation to oil inspection. [Approved March 12, 1874. In force July 1, 1874.

275. *Appointment of inspectors—term of office—deputies.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the mayor of any city, with the approval of the city council, and the board of trustees of any village or town may, and on the petition of any five inhabitants thereof shall appoint one or more inspectors for the inspection of coal oil, naptha, gasoline, benzine and other mineral oils or fluids, the product of petroleum, and fix their compensation, to be paid by the party requiring their services. Every such inspector shall hold his office for one year and until his successor is appointed and qualified, unless sooner removed from office. He may appoint deputies, for whom he shall be responsible, and who shall take the same oath and be liable to the same penalties as the inspector.

276. *Oath—bond—suit on.]* § 2. Every such inspector, before entering upon the duties of his office, shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of oil inspector, according the best of my ability.

He shall also execute a bond payable to the people of the state, in such sum as shall be required by the city council or board of trustees, with one or more sureties, to be approved by the mayor or president of the board of trustees, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain suit thereon for his own use.

277. *Inspector to test.]* § 3. Upon the application of any manufacturer, refiner or producer of, or any dealer in, any such oil or fluid, or of any officer or person to test any such oil or fluid, such inspector shall test the same with all reasonable dispatch by applying the fire test, as indicated and determined by J. Tagliabue's pyrometer, or some other instrument or means equally accurate, with which he shall have provided himself at his own expense.

278. *Test—casks marked—inspector not to trade in oil.*] § 4.

If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, the inspector shall mark, plainly and indelibly, on each cask, barrel or package "Approved, fire test being.....;" but if said oils or fluids will ignite at a temperature less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package "Condemned for illuminating purposes; fire-test being...." Said inspector, while in office, shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids.

279. *Record kept, and open to examination.*] § 5. He shall also within twenty-four hours after making any inspection, make a full, and fair entry thereof in a record book to be kept for that purpose, which shall be open to all persons wishing to examine the same.

280. *Penalty for misconduct in office.*] § 6. Any such inspector or deputy who shall falsely brand any package, cask or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official duties, shall be fined not exceeding $200, and be liable to the party injured for all damages occasioned thereby.

281. *Penalty for neglect to give notice of, or selling oil not inspected—counterfeit brands, etc.*] § 7. Any manufacturer, refiner or producer of, or any dealer in coal oil, naptha, gasoline, benzine, or other mineral oil or fluid, the product of potroleum, in any city, village or town in which such inspector is appointed, who shall neglect to give notice to such inspector, of any such oil or fluid in his possession not already inspected by some authorized inspector of this state, within two days after the same is made or refined by him or received into his possession, or shall offer any such oil or fluid for sale before the same has been so inspected, or shall sell or attempt to sell to any person, for illuminating purposes, any such oil which is below the approved standard—that is, having igniting point less than one hundred and fifty degrees Fahrenheit, as indicated and determined in the manner herein provided, or shall use any package, cask, barrel or other thing having the inspection brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined not exceeding $200, and be liable to the party injured for all damages occasioned thereby, and all the casks, barrels or packages so falsely used, and their contents, shall be forfeited, and may be seized and sold.

282. *Fines, how recovered and disposed of.*] § 8. The fines herein provided may be recovered in the name of the people of the state of Illinois, before any justice of the peace of the county where the offense is committed, and when collected, one-half shall be paid to the informer, and the other half and the proceeds of the sale of all casks, barrels and packages, and the contents thereof seized, as herein provided, shall be paid into the city, village or town treasury.

ORDINANCES—PUNISHMENT FOR VIOLATION OF.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this state. [Approved and in force April 12, 1879.]

283. *Arrest—imprisonment—workhouse.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this state, the first process shall be a summons: *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense, Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each days work on account of such fine and costs.

284. *Repeal.*] § 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

285. *Emergency.*] § 3. *Whereas*, In some of the cities and villages in this state, there is no authority for the imprisonment of offenders in work-houses or houses of correction, and requiring such offenders to work, therefore, an emergency is declared to exist, and this act shall be in force from and after its passage.

PARTS TO BE RECORDED, ETC.

AN AOT to revise the law in relation to plats. [Approved March 21, 1874. In force July 1, 1874.]

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286. *Plats of highways, etc., to be made and recorded.* § 9. Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended,

or the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made, and recorded in the office of the recorder of the county in which the premises taken or used for the same, or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration vacating the same shall be in like manner recorded. This act shall not be construed to alter or affect any law specifically providing for the recording of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit $25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any justice of the peace of the county, in the name of the county, one-half to the use of the county and the other half to the use of the person complaining.

POLICE AND FIREMEN'S RELIEF FUND.

AN ACT to amend "An Act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877. In force July 1, 1877. [Approved May 10, 1879. In force July 1, 1879.]

287. *How fund created.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* "That an act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, in force July 1, 1877, be amended to read as follows:

That one-fourth of all the rates, taxes and license fees which are or may be hereafter required by law to be paid by corporations, companies, or associations, not incorporated under the laws of this state, engaged in any village or city in this state, effecting fire insurance and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village, to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire departments of such city or village.

288. *Mayor, etc., trustees of fund.*] § 2. The mayor or president of the board of trustees, the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water, of the city council or board of trustees of the city or village, with the comptroller (if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the trustees of the police and firemen's relief fund, and the treasurer of the city or village, shall be custodian of the funds of said police and firemen's relief fund. The said board shall select from their number a president and secretary.

289. *Board to control fund.*] § 3. The said board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid, or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, including all such persons who having become entitled to the benefits of this fund while such members of said police and fire departments, have not forfeited their rights to share in such benefits after leaving such departments, as hereinafter provided, not to exceed the sum of five dollars ($5.00) per annum, which shall be received and held by the treasurer of said relief fund in like manner as the other moneys herein provided, to be paid to him; and any person who, having become entitled to the benefits of this fund, shall not within one month after notice in writing to him from said board of the assessment against him, pay the same, shall not be entitled to, or receive any benefits secured to him under the provisions of this act, unless he shall make written application to the trustees of the fund to become a member thereof, and shall have, by a majority vote of said trustees, been admitted to membership in said organization, and upon his making payment of all delinquent assessments due by him accruing during his membership in such police or fire department. The said board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board: *Provided*, that nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the board, obligatory on the board or chargeable against it as a legal right; but the board may, at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The board shall cause to be kept a record of all its meetings and proceedings.

290. *Treasurer to give bond for fund.*] § 4. The treasurer of the board shall be the custodian of the fund in the first section of this act mentioned, and of all moneys donated, paid, or assessed toward or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the board,

and shall keep his books and accounts in such a manner as may be prescribed by the board, and the same shall always be subject to the inspection of the board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities, in such penal sum as the board may direct, to be approved by the board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office, he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same, in the name of such city or village, for the use of said board, or of any person or persons injured by such breach.

291. *Warrants drawn on treasurer.]* § 5. It shall be the duty of the mayor and clerk, or the comptroller, if there be one, and the officer or officers of such city or village, who are or may be authorized by law, to draw warrants upon the treasurer of such city or village, upon request made in writing by said board, to draw warrants upon the treasurer of such city or village, payable to the treasurer of said board, for the fund set apart by such city or village treasurer, as prescribed by the first (1) section hereof.

292. *Permanent disability—death—annuity.]* § 6. When, in the judgment of the board, a sufficient amount shall have accumulated in said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments, while in the actual performance of duty or other person entitled to the benefits of this fund, as hereinafter provided, shall become permanently disabled, so as to render proper his retirement from membership, a sum not exceeding six hundred dollars ($600) per annum, or such less sum as, in the judgment of the board, the fund will justify, shall be paid to such member out of said fund; or if any member, while in the actual discharge of duty, shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years' service in the police or fire departments, and shall leave a widow, or if no widow, any child or children under the age of sixteen (16) years, a sum not exceeding six hundred dollars ($600) per annum, or such less sum as, in the judgment of the board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of sixteen years.

293. *Who may obtain benefits.*] § 7. Any person who shall have served in either the police or fire departments of said city or village for the full term of ten (10) years, and shall have paid into the

fund hereby provided for, all assessments regularly made upon him by the board of trustees, as required by this act, and the regulations of the said board of trustees, passed in pursuance of this act, and shall have complied with all the rules and regulations lawfully established by the board of trustees, in the same manner as if such person was an active member in said police or fire department, may continue his membership in this organization, and be entitled to the benefits of this fund, after he shall have ceased to be a member in either said police or fire department, by complying with all the provisions of this act, relative to the payment of assessments, etc., the same as prior to his ceasing to be a member of said departments, and the widow or children of such person shall be entitled to all benefits hereby secured to other members of this organization.

294. *How money paid out.*] § 8. All moneys ordered to be paid from said relief fund, to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary, and no warrant shall be drawn except by order of the board, duly entered in the record of the proceedings of the board. In case the said relief fund, or any part thereof, shall, by order of the said board, or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid, or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund. *Provided*, that nothing herein contained shall be construed as authorizing the said treasurer to loan the said fund, or any part thereof, unless so authorized by said board.

295. *Repeal.*] § 9. All acts or parts of acts, or amendments thereto, heretofore enacted, and in any manner conflicting with the provisions of this act, are hereby expressly repealed.

POLICE MAGISTRATES.

AN ACT to authorize the election of police magistrates in towns, cities and villages where the same are not now provided for by law. [Approved and in force April 13, 1875.]

296. *Election and term of office—jurisdiction.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all towns, cities and villages in the state which have been incorporated under charters granted by special acts, or under a general act, when the law under which they are incorporated does not authorize the election of a police magistrate, be and they are hereby authorized to elect one police magistrate at the first annual election of town, city or village officers that shall occur after the passage of this act, and quadrennially thereafter. Such police magistrates shall hold their offices for the same term, be commissioned and qualified, and have the same jurisdiction and fees, as police magis-

trates of villages have under the general law for the incorporation of cities and villages.

297. *Emergency.*] § 2. As the first annual election of town, city, and village officers in many of the towns, cities and villages in this state by this act authorized to elect a police magistrate, will occur before the first day of July next, after the adjournment of this General Assembly; therefore an emergency exists requiring this act to take effect immediately, therefore this act shall take effect and be in force from and after its passage: *Provided*, that the election for police magistrates in cities that have one or more police magistrates, elected under a former organization as a town or city, shall not be held until the term for which said police magistrate or magistrates were elected has expired.

PUBLIC BUILDINGS.

AN ACT to regulate the means of egress from public buildings. [Approved March 28, 1874. In force July 1, 1874.]

298, *Doors to open outward.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all public buildings now in process of construction, or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that such doors shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

299. *Penalty.*] § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than $100 nor more than $1,000.

300. *When public buildings may be closed.*] § 3. That in all cities and towns having a population of two thousand inhabitants, and upward, the mayor, or other corporate authorities of said town or city, shall be empowered, and he is hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this act.

PUBLIC PARKS.

AN ACT to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property. [Approved and in force April 9, 1879.]

301. *Drives to public parks.]* *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or parts thereof, leading to such park: *Provided*, that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such park: *And, provded, further*, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets, so far as taken, shall be first obtained: *And provided, further*, that such connection or improvement, shall embrace only such street or streets, as are necessary to form one continuous improvement.

302. *Taxes—special assessments, etc.]* *§* 2. That such board of park commissioners or such corporate authorities, as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets in such manner as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time, to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved, for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such board of park commissioners, but not for any subsequent repair thereof. And to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized, may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent. per annum from the date of confirmation until paid; and the said assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments, for, or on account of such corporate bodies, or boards, as aforesaid, so far as the same are applicable.

303. *Control by park commissioners.]* *§* 3. Such park boards shall have the same power and control over the parts of streets taken under this act, as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

304. *Reversion to corporate authorities—when.]* *§* 4. In case any such streets or parts thereof, shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village, respectively as aforesaid.

305. *City, etc., may grant control to park commissioners.*] § 5. Any city, town or village in this state shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

306. *Emergency.*] § 6. *Whereas*, There is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

RAILROADS.

AN ACT in relation to fencing and operating railroads. [Approved March 31, 1874. In force July 1, 1874.]

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307. *Speed through cities, etc.—damages.]* § 24. Whenever any railroad corporation shall by itself or agents, run any train, locomotive engine, or car, at a greater rate of speed in or through the incorporated limits of any city, town or village, than is permitted by any ordinance of such city, town or village, such corporation shall be liable to the person aggrieved for all damages done the person or property by such train, locomotive engine or car; and the same shall be presumed to have been done by the negligence of said corporation or their agents; and in addition to such penalties as may be provided by such city, town or village, the person aggrieved by the violation of any of the provisions of this section, shall have an action against such corporation, so violating any of the provisions to recover a penalty of not less than one hundred dollars ($100) nor more than two hundred dollars ($200), to be recovered in any court of competent jurisdiction; said action to be an action of debt, in the name of the people of the state of Illinois, for the use of the person aggrieved; but the court or jury trying the case may reduce said penalty to any sum, not less, however, than fifty dollars ($50), where the offense committed by such violation may appear not to be malicious or willful: *Provided*, that no such ordinance shall limit the rate of speed, in case of passenger trains, to less than ten miles per hour, nor in any other case to less than six miles per hour.

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308. *Flagmen—shelter.]* § 35. In all cases where the public authorities having charge of any street over which there shall be a railroad crossing, shall notify any agent of the corporation owning, using or operating such railroad, that a flagman is necessary at such crossing, it shall be the duty of such railroad company, within sixty days thereafter, to place and retain a flagman at such crossing, who shall perform the duties usually required of flagmen; and such flagman is hereby empowered to stop any and all persons from crossing a railroad track, when, in his opinion, there is danger from approach-

ing trains or locomotive engines; and any railroad company refusing or neglecting to place flagmen, as required by this section, shall be liable to a fine of $100 per day for every day they shall neglect or refuse to do so; and it is hereby made the duty of such public authorities having charge of such street, to enforce the payment of such fine, by suit, in the name of the town or municipal corporation wherein such crossing shall be situate, before any court of competent jurisdiction in the county, and the prosecuting attorney shall attend to the prosecution of all suits as directed by said public authorities. All the moneys collected under the provisions of this act shall be paid into the treasury of the town or municipal corporation in whose name such suits shall have been brought: *Provided*, that when any railroad company is required to keep a flagman at a crossing, it shall have the right to erect and maintain in the highway or street crossed a suitable house for the shelter of such flagman, the same to be so located as to create the least obstruction to the use of such street or highway, and afford the best view of the railroad track in each direction from such crossing.

REGISTRATION OF ELECTORS.

AN ACT for the registry of electors and to prevent fraudulent voting. [Approved and in force February 15, 1865.]

309. *Board of registration—meeting — register.]* *§ 1. Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges or inspectors of elections in any town, city or ward, or other election district or precinct in this state, shall constitute a "Board of Registry" for their respective towns, cities, wards, districts, or precincts, and shall meet on Tuesday, three weeks preceding any state election, at nine o'clock a. m., and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are judges or inspectors; which list when completed, shall constitute and be known as the "Register" of electors of said election district. In election districts in towns which lie wholly within the limits of an incorporated city, a register of electors shall be made for all elections, whether general, special, local, or municipal, in the same manner as herein provided in the case of state elections.

310. *Manner of making register, etc.—first meeting.]* *§ 2.* Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged, according to their respective surnames, so as to show, in one column, the name in full length, and in another column, in cities, the residence, by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said board to enter in said lists the names of

all persons residing in their election district, whose name appears on the poll list kept in said district at the last preceding election—in cities the number of the dwelling and the name of the street or other location, if the same shall be known to or can be ascertained by such board—and for this purpose said board are authorized to take from the office in which they are filed the poll-lists made and filed by the judges or inspectors of such district, at the election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll-list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll-list who have died or removed from the district shall be omitted from the register. The said board shall complete, as far as practicable, the said register on the day of their meeting, aforesaid, and shall make two copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town clerk of the town in which said election district may be; but in counties not adopting township organization, said list shall be filed with the judges or inspectors of election of the proper district, or if such election district is in a city, then it shall be filed in the office of the city clerk of said city. And one copy of said list shall be kept by one of said judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who shall take down, tear down, or deface any list, so posted, shall be deemed guilty of misdemeanor, and shall be punished by a fine of $50, or by imprisonment in the county jail for the term of sixty days, or by both fine and imprisonment.

311. *New election districts.*] § 3. In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or town, the judges or inspectors of the election in the new district thus formed, may make their registry of electors on the day prescribed by this act, in such manner as a majority of them may direct, and for that purpose may make a list, or cause to be made a certified copy of the poll list or lists of the district in which such new district is situated, or they may dispense with such list or lists, and proceed to make a register of electors, from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up, and copies thereof made, as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

312. *Revision register—second meeting.*] § 4. The said board

shall again meet on Tuesday of the week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting and completing said lists; and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock p. m., and in other districts they shall meet at nine o'clock in the morning, and remain in session until four o'clock p. m.

313. *Proceedings open—corrections, etc.*] § 5. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said board, in relation to corrections or additions to said register. One of the lists so kept by the judges or inspectors, as aforesaid, shall be used by them, on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

314. *Revising register—addition of new names.*] § 6. It shall be the duty of said board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said board, to be non-resident of said district, or otherwise not entitled to vote, in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board, and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said lists, shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or either of them, or by any other elector whose name appears on said alphabetical list; and the said oaths may be administered by the judges or inspectors as now provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

315. *Copies of register—filing—deliver to judges—voting—swearing in vote, etc.*] § 7. After said lists shall have been fully completed, the said board shall, within three days thereafter, cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the town clerk of towns, and in the office of city clerks of cities; and one of which copies shall be delivered to said judges or inspectors. It shall be the duty of the said judges or inspectors so receiving such list, carefully to preserve the said list for their use on election day, and to designate two of their number, at the

opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any state election in this state, if the name of the person offering to vote be not on the said register made on the Tuesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district, and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers to vote, that he knows such person to be an inhabitant of the district, and if in any city, giving the residence of such person within said district. The oath may be administered by one of the judges or inspectors of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved, and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges or inspectors of the proper district. Any person may be challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.

316. *Entry on register by clerks—non-registered voter—penalty.*] § 8. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite the name of each person not registered, the words "not registered." In cities, every elector, at the time of offering his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof. And the clerks of the polls in case the name of such elector is not registered, shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such an elector shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of $50, or by imprisonment in the county jail in the county for a period of ten days, or by both such fine and imprisonment.

317. *Poll list and register to be filed.*] § 9. After the canvass of the votes, one of said poll lists and said register so kept and checked, as aforesaid, shall be attached together, and shall, on the following day, be filed in the town or city clerk's office (as the case

may be) in which said district may be, or in case there be no such clerk, then such poll lists and register shall be filed with and preserved by the judges or inspectors, to be used by the board of registry in making the list of voters at the next state election; the other of said poll lists and registers, so kept and checked, shall be returned to the office of the county clerk in the county in which said district may be, at the same time the returns of the election are made.

[§ 10 is repealed by act March 27, 1874.]

318. *Registers open to inspection.]* § 11. The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

319. *Compensation.]* § 12. That the members of the board of registration shall each receive $2 per day for each day actually employed in the making and completion of the registry, not exceeding two days, to be paid to them at the time and in the manner in which they are paid their other fees.

320. *Preserving order.]* § 13. The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges or inspectors of elections for preserving order on election days; and vacancies in said board shall be filled in the same manner that vacancies are now filled at elections.

321. *Fraudulent registration, false swearing, etc.]* § 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished, for each and every offense, by imprisonment in the state prison for not less than one year. All intentional false swearing before said board of registration shall be deemed willful and corrupt perjury, and, on conviction, punished as such. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense, by imprisonment in the state prison for not less than one year.

[§§ 15 and 16 are repealed by implication, the acts to which they refer being repealed. § 17 was only of temporary effect.]

322. *Blanks to be furnished.]* § 18. The necessary blanks for making the registers required by law, shall be prepared by the secretary of state and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

[§ 19 is repealed by implication, the act to which it refers being repealed.]

323. *Time act takes effect.]* § 20. This act shall be in force from and after its passage.

REVENUE.

AN ACT for the assessment of property and for the levy and collection of taxes. [Approved March 30, 1872. In force July 1, 1872.]

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324. *Certificate of rates.]* § 122. The proper authorities of towns, townships, districts, and incorporated cities, towns, and villages, collecting taxes under the provisions of this act, shall annually, on or before the second Tuesday in August, certify to the county clerk the several amounts which they severally require to be raised by taxation, anything in their respective characters, or in acts heretofore passed by the general assembly of this state, to the contrary notwithstanding.

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325. *Return of delinquent special assessment.]* § 178. When any special assessment made by any city, town or village, pursuant to its charter, or by any corporate authorities, commissioners or persons, pursuant to law, remain unpaid in whole or in part, return thereof shall be made to the county collector on or before the tenth day of March next after the same shall have become payable, in like forms as returns are made for delinquent land tax. County collectors shall collect, account for, and pay over the same to the authorities or persons having authority to receive the same, in like manner as they are required to collect, account for and pay over taxes. The county collector may, upon return of delinquent special assessments to him, transfer the amounts thereof from such returns to the tax books in his hands, setting down therein, opposite the respective tracts, or lots, in proper columns to be prepared for that purpose, the amounts assessed against such tract or lot.

AN ACT in relation to the collection of taxes and special assessments. [Approved and in force May 2, 1873.]

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326. *City may buy in at sale.]* § 3. Any incorporated city, town or village, or corporate authorities, commissioners, or persons interested in any such special assessment or installment thereof, may become purchaser at any sale, and may designate and appoint some officer or person to attend and bid at such sale on its behalf.

SCHOOLS.

AN ACT to establish and maintain a system of free schools. [Approved April 1, 1872. In force July 1, 1872.]

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327. *Liabilities of officers converting funds.]* § 73. If any

county superintendent, trustee of schools, township treasurer, director or any other person intrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one, nor more than twelve months, at the discretion of the court.

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328. *Realty of school officers held.*] § 75. The real estate of county superintendents, of township treasurers, and all other school officers, and of securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any superintendent, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

329. *Officers responsible for losses.*] § 77. County superintendents, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all lossess sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered in a civil action before any court having jurisdiction thereof, at the suit of the state of Illinois for use of the county, township or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured.

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330. *No cost taxed against school officers.*] § 78. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs in any suit, where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be unsuccessful in such suit.

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331. *Cities and villages.*] § 80. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated, and be subject to the general

provisions of the school law, except as otherwise provided in this section.

332. *Boards of education.*] In all school districts having a population of not less than two thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of six members and three additional members for every additional ten thousand inhabitants, to be elected in the manner provided by section 42 of this act, for the election of school directors. At the first election of directors succeeding the passage of this act, in any district having a population of not less than two thousand inhabitants by the census of 1870, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than two thousand inhabitants, at the first election of directors occurring after taking such special or general census, there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and rights and causes of action existing or vested in such directors shall vest in said board of education in as full and complete a manner as was vested in the school directors.

333. *Term of office.*] Such board, at its first meeting, shall fix by lot the terms of office of its members, so that one-third shall serve for one year, one-third for two years, and one-third for three years; and thereafter one-third of the members shall be elected annually, on the first Saturday in April, to fill the vacancies occurring, and to serve for the term of three years.

334. *Powers of board.*] Such board shall have power, and it shall be their duty, in addition to or inclusive of the powers and duties of school directors:

First—To establish and support free schools not less than six nor more than ten months in each year.

Second—To repair and improve school houses, and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

Third—To buy or lease sites for school houses, with the necessary grounds.

Fourth—To establish schools of different grades, and make regulations for the admission of pupils into the same.

Fifth—To levy a tax annually upon the taxable property of the district, in the manner provided by section 44 of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to purchase or locate a school house site, to purchase, build or move a school house, or levy a tax to extend schools beyond the period of ten months in each year, except upon petition of a majority of the voters of the district.

Sixth—To examine and employ teachers, and fix the amount of their salaries.

Seventh—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor; and such superintendent may be required to act as principal or teacher in such schools.

Eighth—To lay off and divide the district into sub-districts, and from time to time to alter the same, create new ones, and consolidate them.

Ninth—To visit all the public schools as often as once a month, to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner. They shall have power to expel any pupil, who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever, in their opinion, he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismission. They shall have power to apportion the scholars to the several schools. It shall be the duty of the board of education to establish all such by-laws, rules and regulations for the government, and for the estublishment and maintenance of a proper and uniform system of discipline in the several schools, as may, in their opinion, be necessary.

335. *School property—supplies.*] It shall be the duty of said board to take charge of the school-houses, furniture, ground and other property belonging to the district, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel and such other necessaries for the schools as, in their opinion, may be required in the school houses or other property belonging to the districts.

336. *President—secretary—record.*] The said board shall appoint a president (who shall be one of their own number) and a secretary, and provide themselves with a well bound book, at the expense of the school-tax fund, in which shall be kept a faithful record of all their proceedings.

337. *Yeas and nays.*] The yeas and nays shall be taken and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money.

338. *Powers exercised only at meetings.*] None of the powers herein conferred upon the board of education shall be exercised by them except at a regular or special meeting of the board.

339. *Report to be published.*] The board of education shall annually prepare and publish in some newspaper, or in pamphlet

form, a report of the number of pupils instructed in the year preceding, the several branches of education pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read and write, and the receipts and expenditures of each school, specifying the source of such receipts and the objects of such expenditures.

340. *Township treasurer to have charge of funds.]* All conveyances of real estate shall be made to the township trustees, in trust for the use of schools, and no conveyance of any real estate or interest therein, used for school purposes or held in trust for schools, shall be made except by the board of trustees, upon the written request of such board of education.

341. *School funds subject to order of board.]* All moneys raised by taxation for school purposes or received from the state common school fund, or from any other source for school purposes, shall be held by the township treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof.

342. *Special law may be abandoned.]* Any city, incorporated town, township or district in which the free schools are now managed under any special act, may, by a vote of its electors, cease to control such schools under such special act, and become a part of the school township in which it is situated, and subject to the control of the trustees thereof under and according to the provisions of this act.

343. *Vote—organization under general law.]* Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof by posting not less than five notices in the most public places in such city, town, township or district, the question of "Organization under the Free School Law;" and if it shall appear, on a canvass of the returns of said election, that a majority of the votes cast at such election are "For Organization under the Free School Law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships as aforesaid, in such manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships, and to make division of funds and other property in the manner provided by section 33 of this act, and at the next ensuing election of director, directors, or a board of education, as the case may be, shall be elected in each of the new districts so formed, as provided in section 42 of this act.

AN ACT to protect colored children in their rights to attend public schools. [Approved March 24, 1874. In force July 1, 1874.]

344. *No exclusion for color.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That all directors of schools, boards of education, or other school officers whose duty it now is, or may be hereafter, to provide, in their respective jurisdictions, schools for the education of all children between the ages of six and twenty-one years, are prohibited from excluding, directly, or indirectly, any such child from such school on account of the color of such child.

SEWERAGE.

AN ACT to enable cities, towns and villages to contract with each other for sewerage. [Approved May 14, 1879. In force July 1, 1879.

345. *May contract for sewerage, etc.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

346. *How contract made.*] *§ 2.* The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract, when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

SIDEWALKS.

AN ACT to provide additional means for the construction of sidewalks in cities, towns and villages. [Approved April 15, 1875. In force July 1, 1875.

347. *Sidewalks by taxation.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the mode now authorized by law, any city or incorporated

town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street, or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof, by special taxation of the lot, lots, or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof, for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land, in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by ordinance, ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town, or village, raised by generel taxation upon the property thereof, and not otherwise appropriated.

348. *What ordinance may provide.*] § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town, or village, to be designated in such ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town, or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk, to construct a sidewalk in front of their respective lots or parcels, in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed by said city, town, or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

349. *In case owner neglects to construct.*] § 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town, or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading,

materials, laying down, and supervision, shall be filed in the office of the clerk of such city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said costs by frontage, superficial area, or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said clerk, and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town or village, within sixty days from the date of their issue, and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town or village.

350. *Special tax—duty of clerk—report.*] § 4. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town, or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

351. *General officer to obtain judgment—by what laws governed.*] § 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

352. *When constructed by owner may obtain order.*] § 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town or village, an itemized statement of the cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner, an order on the treasurer of such city, town or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

LABOR ON STREETS.

AN ACT providing for labor on the streets and alleys of all cities and villages in this state. [Approved May 31, 1879. In force July 1, 1879.]

353. *Labor on streets, etc.*] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the city council in all cities, and the president and board of trustees in all villages in this state, may have power, by ordinance, to require every able-bodied male inhabitant of any such city or village, above the age of twenty-one years, and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

354. *Fines and penalties.]* *§ 2.* Any such city council, or president and board of trustees of any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

VACATION OF STREETS.

AN ACT to revise the law in relation to the vacation of streets and alleys. [Approved March 24, 1874. In force July 1, 1874.]

355. *Three-fourths vote required—damages.]* *§ 1. Be it enacted by the People of the State of Illinois represented in the General Assembly*, That no city council of any city, or board of trustees of any village or town, whether incorporated by special act or under any general law, shall have power to vacate or close any street or alley, or any portion of the same, except upon a three-fourths majority of all the aldermen of the city or trustees of the village or town authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law.

356. *Rights of adjoining owners.]* *§ 2.* When any street, alley, lane or highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this state or by order of the city council of any city or trustees of any village or town, or by the commissioners of highways, county board, or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane, or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless in consequence of more of the land for such street, alley, lane or highway having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owners.

TAXES.

AN ACT in regard to the assessment and collection of municipal taxes. [Approved May 23, 1877. In force July 1, 1877.]

357. *How may be assessed and collected.]* *§ 1. Be it enacted by the People of the State of Illinois represented in the General Assembly*, That all cities, villages, and incorporated towns in this state, whether organized under the general law or special charters, shall assess and collect their taxes in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided

for in the general revenue laws of this state; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

[NOTE.—This act in effect repeals that of April 15, 1873.]

REBATE AND REDUCTION OF TAXES, ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cites, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. [Approved and in force January 18, 1872.

358. *Rebate when property destroyed.*] *§ 1. Be it enacted by the People of the State of Illinois represented in the General Assembly*, That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

359. *Reduce or release tax or assessment.*] § 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said specil improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

360. *Emergency.*] § 3. *Whereas*, a large amount of property listed for taxation in the city of Chicago, and in other cities and

towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage.

SEWERAGE AND WATER TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in the cities of this state that may have established a system of sewerage and water works for such city. [Approved and in force April 22, 1871.]

361. *Sewerage fund tax.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the legislative authority of any such city which now has or may hereafter have established a system of sewerage for such city, shall have power annually, to levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected; *Provided, however*, that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose.

362. *Water fund tax.*] § 2. The legislative authority of any such city which now has or which may hereafter have established water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on the dollar, for the extension of water mains or pipes therein and the maintenance of such water works, which tax shall be known as "The Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected; *Provided, however*, that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor.

363. *Emergency.*] § 3. *Whereas*, the health and good government of such cities require that they severally possess the power and authority conferred by this act upon such cities, and the officers thereof, without any delay, it is hereby declared that an emergency exists that this law should be in force from and after its passage.

SURPLUS FUND OF TAX.

AN ACT to prohibit any city, town or village in this state from receiving from the county treasury a greater proportion of the surplus fund or tax than shall be received by any other city, town or village within the same county. [Approved May 4, 1877, and in force July 1, 1877.]

364. *Proportion of tax.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That no city, town or village within any county in this state, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.

365. *Drawback—amount city, etc., may receive.]* § 2. Nor shall any such city, town or village be entitled to, or receive from the county treasury any greater drawback of its proportion of the taxes paid into the county treasury, by reason of any appropriation by the county board, out of the county treasury, for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.

TELEGRAPH COMPANIES.

AN ACT to revise the law in relation to telegraph companies. [Approved March 24, 1874. In force July 1, 1874.]

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366. *Consent necessary to erect poles, etc., on roads, streets, etc.—record—alteration.]* § 4. No such company shall have the right to erect any poles, posts, piers, abutments, wires, or other fixtures of their lines along or upon any road, highway or public ground, outside of the corporate limits of a city, town or village, without the consent of the county board of the county in which such road, highway, or public ground is situated, nor upon any street, alley or other highway or public ground, within any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. And such county board, or the city council, or board of trustees of such city, town or village, as the case may be, shall have power to direct any alteration in the location or erection of any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alteration.

ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. [Approved April 10, 1872. In force July 1, 1872.]

367. *Petition to be annexed—annexing.]* § 1. *Be it enacted by the People of the State of Illinois, represented in the General*

Assembly, That on petition, in writing, signed by no than tht lessree-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

368. *Annexing one corporation to another.*] § 2. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and executions, the same as if such annexation had not taxen place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

369. *Proceedings by corporation to annex territory.*] § 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an

accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act), shall contain an actual resident population of at least one hundred and fifteen inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition, and proved on the hearing thereof, the same as any other allegation in said petition.

370. *Notice of proceedings.*] *§ 4.* When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or if no newspaper is published in such county, then in the nearest newspaper published in this state), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

371. *Objections to annexation—trial.*] *§ 5.* The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town nor towns in which said corporation or territory may be situated), shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

372. *Finding—costs, etc.*] *§ 6.* If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, That new trials may be granted as in other jury cases.

373. *Proceedings by owner to be annexed.*] *§ 7.* When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

374. *Proceedings to disconnect.*] *§ 8.* Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by sections four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

375. *Map and ordinance recorded.*] *§ 9.* When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town (as the case may be) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

376. *School districts.*] *§ 10.* All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provision of this act.

377. *Judicial notice.*] *§ 11.* All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

AN ACT in relation to the disconnection of Territory from Cities and Villages. [Approved and in force May 29, 1879.]

378. *Disconnecting territory.*] *§ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and

within the boundary thereof, and not laid out into city or village lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is propssed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city, or trustees of such village, may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or village: *Provided, however*, that the territory so disconnected, shall not thereby be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

379. *Ordinance recorded.*] § 2. A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record, and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

380. *Judicial notice.*] § 3. All courts in this state shall take judicial notice of cities and villages, and of the changes made in their territory, under this act.

381. *Repeal.*] § 4. All acts and parts of acts in conflict with this act are hereby repealed.

382. *Emergency.*] § 5. *Whereas*, there is no valid law in force in this state enabling cities and villages to decrease their corporate limits, and special legislation therefor by the General Assembly is forbidden by the constitution of this state, therefore an emergency exists why this act should take effect immediately; therefore this act shall take effect and be in force from and after its passage.

WARRANTS DRAWN UPON TREASURER.

AN ACT to provide for the manner of issuing warrants upon the treasurer of any county, township, city, school district ar other municipal corporation. [Approved May 31, 1879. In force July 1, 1879.]

383. *When warrants may be drawn.]* § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That warrants payable on demand, shall hereafter be drawn and issued upon the treasurer of this state or of any county, township, city, school district or other municipal corporation, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

384. *Issued in anticipation of taxes.]* § 2. That whenever there is no money in the treasury of any county, township, city, school district or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district, or other municipal corporation, to provide that warrants may be drawn and issued, against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation to the extent of seventy-five per centum of the total amount of any said tax levy: *Provided*, that warrants drawn and issued under the provisions of this section, shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes, against which said warrants are drawn shall be set apart and held for their payment.

WATER WORKS.

AN ACT to provide for the laying of water supply pipe by bonds and special assessment, payable in installments. [Approved and in force March 17, 1874.]

385. *Bonds—assessments payable in installments.]* § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That whenever the corporate authorities of any city, town or village shall provide, by ordinance, for the laying of water supply pipes, to be paid for by a special assessment to be made under the provisions of article nine of this act of the General Assembly, entitled "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872, such corporate authorities may, in their discretion, provide in such ordinance, or by an ordinance to be adopted at any time prior to the issuance of the warrant to the collector for the collection of such assessment, that the amount of the estimated cost of such improvement shall be provided for in the following manner, to-wit: That bonds of the city, town or village, as the case may be, shall be issued for such portion of the estimated cost of such improvement as shall be apportioned to the city, town or village as public benefit, payable at such time or times, within twenty years, as may be provided by said ordinance, or it may in such ordinance be provided that all or any portion of the amount, so ap-

portioned as public benefits, may be made by general taxation in accordance with the provisions contained in said article nine, and that the portion of said estimated cost which shall be assessed upon property especially benefitted shall be payable in such annual installments, not exceeding ten in number, as may in such ordinance be prescribed: *Provided*, that nothing in this section shall authorize any city, town or village to issue such bonds to an amount, including all existing indebtedness, in excess of the charter, statutory or constitutional limitation of the indebtedness of such city, town or village.

386. *When installments payable—interest.*] § 2. Whenever such corporate authorities shall have provided by ordinance for the making of such improvement in the manner prescribed in section 1 of this act, the first installment of the amount assessed upon property specially benefitted shall be payable immediately upon the issuance, by the clerk of such city, town or village, of his warrant to the collector, and the subsequent installment shall be payable annually thereafter, with interest until paid, at such rate as shall be prescribed in such ordinance, not exceeding ten per cent. per annum.

387. *Applies to assessments already ordered.*] § 3. This act shall apply to assessments already ordered for the purpose set forth in section 1 of this act, and to the ordinances hereafter in relation thereto, as well as to ordinances hereafter to be adopted.

388. *Emergency.*] § 4. *Whereas*, certain cities, towns and villages are about to lay water supply pipe, and are desirous of availing themselves of the provisions of this act, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

AN ACT to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for water so supplied. [Approved April 9, 1872. In force July 1, 1872.]

389. *Power to contract for water.*] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

390. *Tax.*] § 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

PROVISIONS OF FORMER CHARTER

OF THE CITY OF MONMOUTH.

Article I.

AN ACT to incorporate the City of Monmouth.

391. *§ 1. Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the inhabitants of the town of Monmouth, in the county of Warren and State of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Monmouth," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following limits, to-wit: One mile from the centre of the public square, in each direction, or two miles square [shall constitute the city of Monmouth.]

§ 3. The present board of trustees of the town of Monmouth shall, on the first Monday of October next, divide the said city of Monmouth into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Monmouth shall be laid off into town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the city of Monmouth.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity, in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other public purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all things in relation thereto as natural persons.

Article II.

OF CITY COUNCIL.

392. § 1. There shall be a city council, to consist of mayor and board of aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for the term of one year.

§ 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be, at the time of his election, at least twenty-one years of age, a citizen of the United States, and also a resident of the ward in which he is elected.

§ 4. If any alderman shall, after his election, remove from the ward in which he is elected, his office shall be declared vacated.

§ 5. The city council shall judge of qualifications, elections and returns of their own members, and shall determine all contested elections.

§ 6. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by the ordinances of said city.

§ 7. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 8. The city council shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

§ 9. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 10. All vacancies that shall occur in the board of aldermen shall be filled by election.

§ 11. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath that they will support the constitution of the United States, and of this state, and that they will well and truly perform the duties of their office to the best of their skill and ability.

§ 12. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.

§ 13. There shall be twelve stated meetings of the city council in each year, at such time and places as shall be prescribed by ordinance.

Article III.

OF THE CHIEF EXECUTIVE OFFICERS, ETC.

393. § 1. The chief executive officer of the city shall be a mayor who shall [be] elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

§ 2. No person shall be eligible to the office of mayor who shall have not been a resident of the city for one year next preceding his election, and who shall be under twenty-five years of age, or who shall not, at the time of his election, be a citizen of the United States.

§ 3. If any mayor, during the time for which he may have been elected, remove from the city, his office shall be considered vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of elections shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by election, the secretary giving at least twenty days' notice of the time and place of holding such election.

Article IV.

OF ELECTIONS.

394. § 1. On the first Monday of April, A. D. 1853, an election shall be held in each ward of said city for one mayor for the city, and two aldermen for each ward; and forever thereafter, on the first Monday of April each year, there shall be an election held for one mayor of the city and two aldermen for each ward. The first election for mayor and aldermen shall be held, conducted and returns thereof made as may be provided by ordinance of the present trustees of the town of Monmouth.

§ 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city for thirty days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said

voters shll give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where such vote is offered at least ten days preceding such election.

Article V.

OF THE LEGISLATIVE POWERS, &C.

395. § 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum on the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution and laws of the United States nor of this State.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets and highways, and all such other officers as may be necessary.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with penalty and security, conditioned for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same; to establish, regulate and support common schools; to borrow money on the credited of the city:—*Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than seven per cent. per annum, nor shall the interest in the aggregate, on all the sums borrowed and outstanding, ever exceed one-half the city revenue arising from taxes assessed on real property within the limits of the corporation.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city.

§ 6. To establish hospitals, and make regulations for the government of the same.

§ 7. To make regulations to ensure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

§ 8. To provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes, and alleys.

§ 10. To establish, erect and keep in repair, bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.

§ 12. To provide for lighting the streets and erecting lamp-posts.

§ 13. To establish, regulate and support night-watches.

§ 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

§ 15. To provide for the erection of all needful buildings for the city.

§ 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.

§ 17. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, pedlers, brokers, pawnbrokers and money changers.

§ 18. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the wagonage cartage, and drayage of property.

§ 19. To license, tax and regulate theatrical and other exhibitions, shows and amusements within the city limits.

§ 20. To license, tax, restrain, prohibit and suppress tippling houses and other disorderly houses.

§ 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 22. To regulate the construction of chimneys, and fix the places thereof.

§ 23. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical works.

§ 24 To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood and other fuel, to be sold or used within the city.

§ 25. To regulate the size of bricks to be sold or used in the city.

§ 26. To provide for taking the enumerations of the inhabitants of the city.

§ 27. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

§ 28. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinace.

§ 29. To regulate the police of the city; to impose fines and forfeitures and penalties for the breach of any ordinance; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city and disposed of by the city council, under the ordinances of said city, for the general use and benefit of the inhabitants thereof; and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

§ 30. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States, nor of the constitution of this state.

§ 31. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Monmouth."

§ 32. All ordinances issued by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force untill they have been published as aforesaid.

§ 33. All ordinances may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, or purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Article VI.

OF THE MAYOR.

396. § 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other. In case of non-attendance of the mayor at any meeting the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting.

§ 2. The mayor, or any two aldermen, may call special meetings of the city council.

§ 3. The mayor shall at all times be active and diligent in en-

forcing the laws and ordinances for the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

§ 4. He is hereby authorized to call on every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts which may be required of him by ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservator of the peace for said city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writings, and certify, [under] the seal of the city, which shall be good and valid in law.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases, within the limits of the city, arising under the laws of the state, and shall receive the same fees and compensation for his services as are by law allowed to justices of the peace in similar cases.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

§ 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Warren county; and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

Article VII.

OF PROCEEDINGS IN SPECIAL CASES.

397. § 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane or alley, the corporation shall make a just compensation to the person whose property is so taken; and if the amount of such compensation can not be agreed on, the mayor shall cause the same to be aseertained by a jury of six disinterested freeholders of the city.

§ 2. When the owners of the property on a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, on conditions to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefit or damages that may accrue to any of the petitioners.

§ 3. All jurors empanneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

§ 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefits as well as the injury happening by such opening, widening, or altering any such street, lane, avenue or alley.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the sidewalks, and lighting said street, lane or alley.

Article VIII.

MISCELLANEOUS PROVISIONS.

398. § 1. The inhabitants of the city of Monmouth are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to pay laborers to work on the same.

§ 2. The city shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male

inhabitant in said city, over twenty one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year; and any person failing or refusing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of seventy-five cents per day for each day so neglected or refused.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys expended by the corporation during the preceding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Monmouth shall remain in full force until the same shall be repealed by the city council hereby created.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Monmouth.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the present trustees of the town of Monmouth, shall be vested in and may be prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Monmouth, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Monmouth, or divest them of any rights which may have accrued to them prior to the passage of this act.

§ 10. The president and trustees of the town of Monmouth shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Monmouth, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in the said city for two weeks prior to the time of such election for said officers.

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Warren county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

§ 12. Whenever the mayor shall absent himself from the city,

or shall resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem.*

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof.

§ 14. All acts and parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same anywhere within the limits of the county of Warren, [and] shall be entitled to the same fees for traveling as are allowed constables in similar cases.

§ 16. The president and trustees of the town of Monmouth shall cause an election to be held in said town on the first Monday in the month of September, one thousand eight hundred and fifty-two, at which the inhabitants residing within the city limits, who are authorized to vote for state officers, shall vote for or against the adoption of this charter; and if a majority of the votes given at such election shall be in favor of the adoption of said charter the same shall immediately take effect as a law; but if a majority of the votes cast at said election shall be against the adoption of said charter then this act to be of no effect.

Approved June 21, 1852.

AMENDMENTS TO CHARTER.

AN ACT to alter and define the limits of the city of Monmouth, in Warren county.

399. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the limits of the city of Monmouth, in the county of Warren, be and they are so restricted and curtailed that the same shall contain and include only the land described as follows, to-wit: All of section twenty-nine, the east half of section thirty, the northeast quarter of section thirty one, and the north half of section thirty-two, in township eleven north, in range two west of the fourth principal meridian in said Warren county, and no more.

Approved February 16th, 1859.

AN ACT to amend the city charter of the city of Monmouth, in the county of Warren, and state of Illinois.

400. *Be it enacted by the People of the State of Illinois, repre-*

sented in the General Assembly, That so much of the charter of said city as gives the city council of said city the power to establish, regulate and support common schools within said city be, and the same is hereby repealed. *Provided*, That the city council of said city shall, as soon as may be, after the passage of this act, proceed to reorganize the common schools of said city under and in conformity with the general school laws of the state, and when, and as soon as said schools shall be so reorganized the powers of said city council over said schools shall cease, and all school property, real and personal, belonging to said schools, and all rights of action in favor of the same, now vested in said city council, shall, by virtue hereof, be transferred to, and vested in, the like officers in the township of Monmouth, in said county, as other school property is vested in the various towns by virtue of the general school laws of this state.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1863.

AN ACT to amend an act entitled "An Act to Incorporate the City of Monmouth," approved June 21, 1852.

401. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in addition to the powers already vested in the city council of said city of Monmouth, by virtue of the above entitled act, the said city council shall have power to tax, restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses, within said city, and within one mile thereof, but not to license any house or place for the sale of intoxicating drinks of any kind as a beverage.

§ 2. To prevent and prohibit the introduction, keeping, manufacturing or selling of any vinous, malt, spirituous, mixed or intoxicating liquors within said city, and within one mile thereof (except for medicinal, chemical and manufacturing purposes,) and to prohibit the giving the same away with a view to evade any penalty which may be provided for the unlawful sale of such liquors.

§ 3. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into operation the powers specified in this act, and in the act to which this is an amendment, so that such ordinances be not repugnant to, nor inconsistent with the constitution of this state, nor of the United States.

§ 4. The city council of said city shall have power to provide for the punishment of offenders against the ordinances of said city, by imprisonments in the county jail of the county of Warren, in said state, not exceeding thirty days for any one offense; and in all cases where such offenders shall fail or refuse to pay the fines, forfeitures,

penalties and costs which may be recovered or adjudged against them, it shall be competent for the police magistrate, or other court before whom the same may be tried, to direct that such offenders shall be committed to said county jail, until such fines, forfeitures, penalties and costs are paid, or until such offenders are otherwise discharged by law.

§ 5. In all cases of applications for change of venue in prosecutions arising under the ordinances of said city, either before the police magistrate, or in an appellate court, the defendant, in order to be entitled to such change of venue, shall be required to comply with the provisions of the statute of the State of Illinois, entitled "An act to amend chapter one hundred and six of the Revised Statutes, entitled venue, approved February 21, 1861; and in all cases of change of venue, the parties to the prosecution shall have the right to take depositions, to be read in evidence on the trial of said cause as is now provided by law in civil causes.

§ 6. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved February 14, 1865.

ADDITIONAL powers granted by "An Act to incorporate towns and cities," approved February 10, 1849, and contained in the charter of the city of Quincy:

402. The city council shall have power * *

To license and regulate porters, and fix the rate of porterage.

* * * * * * * * * * * *

To regulate and prohibit the erection of wooden buildings in any part of the city.

To regulate the storage of gun-powder, tar, pitch, rosin and other combustible materials.

To regulate and order parapet walls and partition fences.

To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not otherwise provided for by law.

To provide for and regulate the inspection of tobacco, beef, pork, flour, meal and whisky in barrels.

To regulate the inspection of butter, lard and other provisions.

To regulate the weight, quality and price of bread to be sold and used in the city.

The city council shall have exclusive power within the city, by ordinance, to license, regulate, and restain the keeping of ferries, and to suppress and restrain billiard tables.

CITY ORDINANCES.

CITY ORDINANCES.

AN ORDINANCE for revising and consolidating the several ordinances of the city of Monmouth.

WHEREAS, It is expedient that the general ordinances of the city of Monmouth should be revised, consolidated and arranged in appropriate chapters, articles and sections; that omissions should be supplied and defects amended, and that the whole should be rendered plain, concise and intelligible; therefore,

Be it ordained, By the city council of the city of Monmouth, as follows:

CHAPTER I.

The Mayor and his Duties.

ARTICLE 1.

THE MAYOR.

403. The mayor shall sign all commissions and permits granted by the authority of the city council, except as otherwise provided, and such other acts as by law or ordinance may require his signature.

404. The mayor shall grant all licenses authorized by this ordinance, the granting of which is not otherwise provided herein, to such persons as he may deem proper, according to the ordinances of the city, unless the city council shall otherwise designate, and may revoke the same in accordance with the provisions herein.

405. The mayor shall supervise the conduct of all the officers of the city; examine the grounds of all reasonable complaints made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the proper tribunal for correction.

406. The mayor shall appoint, by and with the advice and consent of the city council, all officers whose appointment is not by the laws of this state otherwise provided for; and whenever a vacancy shall happen in any office, which by law he is empowered to fill, he shall within thirty days after the happening of such vacancy, communicate to said council the name of his appointee to such office, and

pending the concurrence of the city council in such appointment the mayor may appoint some suitable person to discharge the duties of such office.

407. The mayor may, whenever he shall deem it necessary, issue his proclamation for the apprehension of any person who may have committed a crime within the city of Monmouth, and may, in such proclamation, offer a reward, not exceeding three hundred dollars, to be paid out of the city treasury, upon the certificate of the mayor that the service required has been performed.

408. The mayor and city clerk are hereby authorized and empowered to sell and convey any and all lots and parcels of land to which a title is held by the city under sale and conveyance for the city taxes or assessments, upon such terms as may be agreed upon, with the consent of the finance committee: but in no case shall such sale and conveyance be made for a less consideration, in case of tax titles arising from sales for general taxes, than the amount of the original purchase money and subsequent taxes paid by the city, with interest at the rate of ten per cent. per annum.

409. The salary of the mayor shall be two hundred dollars per annum.

CHAPTER II.

Legislative Department.

I. The City Council.
II. The City Clerk.

ARTICLE I.

THE CITY COUNCIL.

410. The mayor shall appoint the standing committees of the city council.

411. Every committe of the city council, in reporting upon a subject referred to them, must attach to their report all resolutions, petitions, remonstrances and other papers in their possession relative to the matters referred.

412. The compensation to be paid aldermen for their services is hereby fixed at the sum of three dollars to each alderman, for each meeting of the city council actually attended by him; and no other compensation than for attendance upon such meetings shall be allowed to any alderman, for any services whatsoever.

ARTICLE II.

THE CITY CLERK.

413. The city clerk shall, before entering upon the duties of his

office, execute a bond to the corporation, with two sufficient sureties, to be approved by the city council and filed in the office of the city treasurer, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office. He shall, in addition to the duties now imposed upon that officer by law, and the duties imposed by law upon the office of city comptroller, also perform the following duties:

414. 1. He shall issue notices to the members of the city council, when directed by that body; to the members of the different committees of that body, and to all persons whose attendance will be required before any such committee, when directed by the chairman thereof—and shall also issue notices of special meetings.

415. 2. He shall attest all the licenses granted by the mayor or the city council, under the ordinances of the city.

416. He shall, without delay, deliver to the officers of the corporation, and to all committees of the city council, all resolutions and communications referred to those officers or committees by that body.

417. He shall, without delay, deliver to the mayor all ordinances or resolutions under his charge, which may require to be approved or otherwise acted upon by the mayor, with all papers on which the same were founded.

418. He may appoint a deputy, who in the absence of the clerk, in case of sickness or otherwise, shall be empowered to perform all the duties of the clerk.

419. He shall deliver to his successor in office all books, papers, records, and everything pertaining to his office.

420. The salary of the city clerk shall be six hundred dollars per annum.

CHAPTER III.

Of Finance.

I. Board of Finance.
II. Duties of City Clerk.
III. Duties of Treasurer.

ARTICLE I.

BOARD OF FINANCE.

421. There is hereby established an executive department of the municipal government of the city of Monmouth, which shall be known as the board of finance, and which shall have control of the fiscal concerns of said city in the manner herein provided.

422. Said board of finance shall embrace the city treasurer, the city clerk, and all such clerks and assistants as the city council may, by ordinance, see fit to prescribe and establish. The city clerk shall be the head of said board, and have the management and control of all matters and things pertaining thereto. The mayor and the members ot the financial committee of the city council shall be *ex-officio* members of said board.

423. The fiscal year of the city of Monmouth shall commence on the first Monday in April in each and every year, beginning on the first Monday of April, 1883.

Article II.

DUTIES OF CITY CLERK AS COMPTROLLER.

424. The city clerk shall be charged with, and shall exercise a general supervision over all the officers of the city, charged in any manner with the receipt, collection, or disbursement of city revenues, and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and as such shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts and choses in action, belonging to said city, except such as are by law or ordinance to be deposited elsewhere; and shall possess and carefully preserve all assessment warrants, and the returns thereof made by any collector or receiver of assessments.

425. He shall have supervision over the city debts, contracts, bonds, obligations, loans and liabilities of the city; the payment of interest, and generally, in subordination to the mayor and city council, exercise supervision over all such interests of said city as, in any manner, may concern or relate to the city finances and revenues.

426. He shall, in connection with the finance committee of the city council, revise, audit and settle all accounts in which the corporation is concerned, either as debtor or creditor, or where provision for the settlement thereof is not otherwise provided for by law, and the settlement of which is not especially committed by ordinance to some other authority.

427. He shall have power in making such settlements and adjustments, and for the purpose of ascertaining the true state of any balance or balances so due, to require any claimant or claimants to deposit and file with said clerk a statement in writing under oath, as to any fact, matter or thing concerning the correctness of any account, claim or demand presented.

428. Said clerk shall open and keep, in a clear methodical manner, a complete set of books under the direction of the mayor and finance committee of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also all the receipts from each and

every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts and other things kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committees thereof.

429. He shall require of all officers charged in any manner with the receipt, collection or disbursement of the city revenues, to make monthly statements in writing, showing in detail all such receipts, collections and disbursements, and to file the same in the office of said clerk.

430. It shall be the duty of the clerk, whenever any officer shall refuse or neglect to make such report, or adjust his accounts whenever required to do so by the clerk, and pay over to the proper officer any moneys in his possession belonging to the city, to cause a notice in writing to be served upon such officer and his sureties, demanding a settlement of his accounts forthwith, and in case of the refusal or neglect of such officer for a period of five days after said notice, to make such settlement and pay over said moneys, the clerk shall report such officer to the mayor, who shall immediately remove him from office, and proceedings for the recovery of any moneys due the city from him shall be at once instituted against such delinquent and his sureties.

431. It shall be the duty of the city clerk, at the close of each fiscal year, to place to the credit of the general fund all unexpended appropriations for such year, but which shall not include contracts or liabilities entered into by virtue of authority of such appropriation, and which remain unpaid at the close of said fiscal year: *Provided*, that no such disposition shall be made of any trust fund or funds or special assessments that by law are specific and under the direct control of officers specially appointed for their disbursement.

432. It shall be the duty of the city clerk, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts.

433 The city clerk shall make out an annual statement, for publication, on or before the second Tuesday in April, in each year, giving a full and detailed statement of all the receipts and expenditures during the fiscal year ending on the first Monday in April. Said statement shall also detail the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, and the balances of money then remaining in the treasury, with all sums due and outstanding; the names of all persons who may have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city; which statement, when examined and approved by the finance committee, shall be published by him as aforesaid.

434. He shall, also, on or before the first Monday of May in each year, before the annual appropriations are made by the city council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year, commencing on the first Monday in April; he shall, in said report, class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers, their statements of the condition and expense of their respective departments and offices, with any proposed improvement and the probable expense thereof; of contracts already made and unfinished, and the amount of any unexpended appropriations of the preceding year. He shall, also, in such report, show the aggregate income of the preceding fiscal year from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the city council may fully understand the money exigencies and demands of the city for the current year.

435. It is also made the duty of the city clerk at the first meeting of the city council, in each quarter of the fiscal year, to present a quarterly statement of all moneys received, and from what sources, and on what account received, and of all moneys ordered paid or drawn for by warrant, by him, and on what account the same have been paid, for the quarter preceding that in which the statement is made.

436. The mayor shall sign all warrants drawn upon the treasurer, and the same shall be countersigned by the clerk, and shall state therein the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be otherwise paid than upon warrants so drawn.

437. The financial committee of the city council, together with the other members of the board of finance, shall meet annually in the month of April, and compare all reports made by the clerk and treasurer, and shall make a report thereon to the city council at the next regular meeting thereof, which report it shall be the duty of the clerk to prepare.

Article III.

THE CITY TREASURER.

438. The city treasurer shall, before entering upon the duties of his office, execute a bond, with sureties, to be approved by the city council, in a sum not less than the amount of the estimated tax and special assessments for the current year.

439. It shall be the duty of the treasurer to receive and pay out, according to the requirements of the council, money realized by the city from its various sources of revenue. He shall pay orders, or war-

rants, drawn against a particular fund, only out of the money belonging to such fund. If, at the time such orders or warrants are presented to him for payment, there is not in his hands money belonging to the fund, against which such warrants or orders are drawn, he shall indorse on such warrants, or orders, the words: "Presented for payment" (noting the date), and shall sign the same in his official capacity. Such warrants or orders shall thereupon bear interest at the rate of six per cent. per annum from the time they were so presented. He shall make an entry of the number, date and amount, of all such orders, to whom payable, and on what fund, and the date of their presentment, and shall make report of the same to the city clerk, in his monthly reports.

440. He shall receive all moneys belonging to the corporation, and shall render at the end of each and every month, and oftener, if required, a statement under oath to the city clerk, showing the state of the treasury at the date of such account, and the balance of the money in the treasury. Said statement shall set forth all the money received by him, and from whom, and on what account they shall have been received; also, of all moneys paid out by him, and on what account they shall have been paid.

441. He shall report to the city clerk any officer, who may fail to make a return of the moneys received by him at the time required by law, or by the ordinances of the city.

442. The treasurer shall cause to be kept books of account, in such manner as to show with entire acuracy, all moneys received by him, and from whom, and on what account they shall have been received; and of all moneys paid out by him, and on what account they shall have been paid, and in such manner that said books may be readily understood and investigated; which books and all papers and files of said office, shall at all times be open to the examination of the city clerk, the finance committee, or any member of the city council.

443. He shall at the expiration of his term of office deliver to his successor all books, papers, records, moneys and things pertaining to his office.

444. The salary of the city treasurer shall be two hundred dollars per annum.

CHAPTER IV.

The City Attorney—His Duties.

ARTICLE I.

THE CITY ATTORNEY.

445. The city attorney shall, before entering upon the duties

of his office, execute a bond to the corporation, with one or more sureties, to be approved by the city council and filed in the office of the city clerk, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office.

446. The city attorney shall be the legal adviser of the city, and shall, when required by the city council, give his opinion in writing upon all questions of law, arising under the statutes of the state or ordinances of the city, or upon any questions submitted to him by the mayor or city council, or by any officer of the city. He shall also prepare proper drafts for contracts, forms, ordinances and other writing which may be required for the use of the city.

447. He shall superintend and conduct all the law business of the city, and is charged with the prosecution of all suits for the violation of the ordinances of the city, and with the conducting of all proceedings before justices, or upon appeals to the county or circuit court.

448. He shall keep in proper books to be provided for that purpose, a register of all actions in courts of record, prosecuted or defended, in which the city may be a party, and all proceedings had therein, and which shall at all times be open to the inspection of the mayor, or any committee of the city council.

449. He shall draw such ordinances as may be required of him by the city council, or by any committee thereof, and all leases, deeds, and other papers connected with the finance department, and all contracts for any of the other departments of the corporation, when so required by the head of the department.

450. He shall take appeals in all such cases as he shall deem the interests of the city requires, and prosecute and defend the same in the county, circuit, appellate and supreme courts; and he shall do and perform all other duties incident to his profession, and that may be ordered by ordinance or resolution of the city council.

451. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the city attorney shall forthwith, on demand, deliver to his successor in office all papers in his hands belonging to, or delivered to him by the corporation, or any of its officers, and all papers in actions prosecuted by him, and which are then pending and undetermined, together with his register thereof, and of the proceedings therein.

452. The salary of the city attorney shall be four hundred dollars per annum.

CHAPTER V.

Superintendent of Streets—His Duties, Subordinates, Etc.

ARTICLE I.

SUPERINTENDENT OF STREETS.

453. There is hereby created the office of superintendent of streets, who shall hold his office for the term of two years, and until his successor shall be elected and qualified. He shall have the management and control of all matters and things pertaining to the streets and alleys of the city, and the appointment and removal, with the consent of the mayor, of all his subordinate officers. and said subordinate officers may, with the consent of the superintendent, appoint and remove all employes in their respective departments.

454. Said superintendent of streets shall be elected at the annual election for municipal officers on the third Tuesday in April, 1883, and biennially thereafter.

455. He shall, before entering upon the duties of his office. execute a bond to the city of Monmouth, in the sum of five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

456. It shall be the duty of the superintendent of streets to see that the streets and alleys, and other public highways of the city, are kept in good and proper repair, and to superintend such repairs. When improvements are ordered to be made on any street, or other public highway, by the council, such improvement shall be made under his supervision, and pursuant to such order. In repairs, involving more than ordinary expenditure, he shall, in making such repairs, confer with and act under the direction of the committee on streets and alleys.

457. The superintendent of streets shall have power to employ such labor as may be needed for work on the public highways of the city, at such rates as the council may fix by order or resolution.

458. It shall also be the duty of the superintendent of streets to see that the crossings on the public streets within the business portion of the city, and such other crossings as the council or the mayor shall from time to time direct, are kept clean and free from mud, ice and snow, and that the walks about the public parks, city buildings and lots are likewise properly cleaned whenever the same may be necessary.

459. It shall be the duty of the superintendent of streets to require all the inhabitants of the city, liable to road labor, to perform the same under the provisions of this ordinance; to superintend and direct such labor, and to collect for the commutation thereof, the amount provided by ordinance.

460. The superintendent of streets shall, at each and every regular meeting of the council, make a full report of his doings, which report shall show:

First—The name of each person employed by him.

Second—The time which each person has performed labor, and the kind of labor.

Third—The amount due to each person for such labor.

Fourth—Upon what street or alley, or other highway, such labor was performed.

461. It shall be the duty of the superintendent of streets to prepare and present to the city clerk on or before the first Monday in May of each year, an estimate of the amount that will probably be needed for road purposes, including the cost of constructing and repairing sidewalks for the year commencing on the first Monday of April.

462. The superintendent shall make a monthly report to the city clerk of all moneys collected by him for commutation of road tax, and shall, annually, on or before the first Monday in April, make a detailed report to the clerk, showing the entire transaction connected with his office during the past year, and shall include therein the total amount collected as commutation of road tax for the year, with names of persons paying the same.

463. It shall be the duty of the superintendent of streets to notify the city attorney whenever, in his judgment, suit should be brought against any citizen for road tax due and unpaid.

464. The salary of the superintendent of streets shall be seven hundred dollars per annum.

CHAPTER VI.

Health Department.

1. The Board of Health—its powers.
2. Orders of the Board—how executed.
3. The Health Officer—his duties.

ARTICLE I.

HEALTH DEPARTMENT—ITS POWERS.

465. There is hereby established an executive department of the municipal government of the city of Monmouth, which shall be known as the health department, and shall consist of a board of health composed of a health officer, who shall be a physician in good standing in his profession, and two citizens of this city, who shall be appointed by the mayor, by and with the advice and consent of the

council, at their first regular meeting in May, 1883, and annually thereafter, and shall hold office for one year, and until their successors are appointed and qualified.

466. The mayor shall be *ex-officio* president of the board of health, and the city clerk shall be *ex officio* its secretary.

467. The board of health shall meet at the council chamber at least once in each quarter of the fiscal year, and at such other times and places as they shall be called together, as otherwise provided in this ordinance.

468. Two citizens, or the health officer and one citizen, shall be necessary to constitute a quorum at any meeting of the board.

469. The board of health shall have the power to make such regulations as it shall deem necessary for the public health and safety, respecting nuisances, sources of filth and cause of sickness within the city.

470. When the board shall make any general regulation in regard to the health or cleanliness of the city, it shall cause a copy of such regulation, duly attested by the secretary, to be published in some newspaper of the city for the space of one week. Such publication shall be deemed legal notice to all persons of the regulation so made by the board.

471. The board of health are further empowered:

First—To exercise a general sanitary supervision over the city of Monmouth, and, to that end, may adopt such measures as will promote the cleanliness and health of the city.

Second—To cause the abatement of nuisances, of every sort, in any manner prejudicial to health, on private property as well as on public property.

Third—To notify the owner or occupant of any lot or parcel of ground, on which any nuisance or cause of sickness exists, or is found, to remove the same, at his own expense, within such time as they may deem reasonable.

Fourth—To require, by general regulation or otherwise, the owners or occupants of any property abutting on any alley or lane, to cleanse said alley and to remove therefrom any filth or cause of sickness, within such time as they may prescribe.

Fifth—To make such regulations and orders as they may deem prudent and advisable in regard to the cleansing of drains, sewers and other passages for the discharge of water within the city.

Sixth—To make such regulations and use such precautions as in their judgment will prevent the introduction into the city of any malignant, infectious or contagious disease, and to establish hospitals

or pest houses, when they shall deem it necessary to prevent the spread of any infectious or contagious disease.

Seventh—To cause any person sick with any contagious or infectious disease, who has no fixed habitation of his own in the city, to be removed to some retired place, unless such person is able and can obtain care and treatment elsewhere at his own expense. If the condition of any person, sick with any such disease, is such that, in the opinion of the board, his removal would be attended with danger, the board shall make such disposition of him as will secure to him proper and humane treatment and attention, and at the same time prevent, as far as they can, the spread of the disease from which he is suffering.

Eighth—To make such regulations and restrictions in regard to communication or intercourse, by and with all houses, tenements, or other places, and the persons occupying the same, in which there shall be any person sick, with any contagious, malignant, or infectious disorder, as they shall deem necessary and proper.

Ninth—The notice referred to in subdivision three (3) of the preceding section shall describe, with ordinary certainty, the nuisance, or cause of sickness, the removal of which is therein required, and shall be served by the marshal, or any police officer, or by any constable, in the way that notices are served in civil actions. If the owner or occupant fails to remove such nuisance within the time required in such notice, he shall be liable to a penalty of not more than twenty-five dollars for every day during which he knowingly permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof, and if the board or health officer shall cause such nuisance, or cause of sickness to be abated or removed, the expenses of such removal may be recovered in an action against either the owner or the occupant, as either may have been served with the notice to remove, or against both, if both were served with such notice.

Article II.

ORDERS OF BOARD ETC., HOW EXECUTED.

472. The city marshal shall attend all meetings of, and serve all precepts and notices issued by said board and signed by the clerk, and shall be the officer of the board of health to execute any orders of said board, or any member of said board, directed to him, and such police officers as the board of health may direct shall serve notices and precepts issued by said board, and shall execute all orders of the board directed to them; and shall attend to the abatement or removal of all nuisances, and perform such other duties in relation to nuisances as the board may direct; and as often, and in such manner, as may be required of them, shall examine the condition of all streets, lanes, avenues, alleys, market places and public squares, and private yards of the city, and report to said board, or any member thereof, all nuisances found therein; and shall notify

persons upon whose premises, or premises occupied by them, any nuisance may exist, to remove the same, and if it be not removed forthwith, to make a report thereof in writing to said board, or any member thereof; to visit, at least once a week, and oftener, when required by said board, or any member thereof, every part of the city; to arrest any person found violating any city ordinance which relates to the sanitary regulations of the city; and to arrest persons throwing, or permitting to be thrown, from their premises into their yard, or into any street or alley, any filth or other matter prohibited by the ordinances of the city, or the regulations of the board of health; and in other respects to exercise the utmost diligence in enforcing the ordinance in regard to the health of the city.

473. The owner or occupant of every lot or building, or any appurtenances thereof, shall keep every part thereof free from filth or anything offensive to the neighborhood about the same, likely to contribute to disease or infection, or which is prohibited by the board of health; and upon failure to do so, it is hereby made the duty of the city marshal or health officer, upon complaint, inspection, or order of the board of health, immediately to give notice to the owner or occupant thereof, and require him to do such act as the said officer, under the direction of the board of health, shall deem necessary for the health of said city, and in case of failure to comply with such requirements for the space of twelve hours, said officer is required and empowered to do such acts himself, keeping a correct account of all the expenses of the same, for all of which expenses said owner or occupant shall be liable, and may be fined for a violation of the provisions of this ordinance.

474. It shall be the duty of every physician in the city to report to the health officer every case of scarlet fever, diptheria, cholera or small-pox, or other contagious or infectious disease he may be called upon to attend within the city limits, or within five miles of the same, within twelve hours after he shall have examined the patient, with the location of the house, and name of occupants, and street.

475. All persons having scarlet fever, small-pox, or other contagious or infectious disease, in the city, are hereby required to keep closely confined within their respective dwellings or places of abode; and the board of health or health officer may cause suitable notices, with the name or character of the disease, printed or written in large letters thereon, to be posted up in the most conspicuous place, on or near such dwelling or place of abode, in which such contagious or infectious disease exists; and if any person or persons shall deface, alter, mutilate, destroy, or tear down such notice, without permission of the health officer, such person or persons shall be liable, for each offense, to pay a fine of not less than five dollars, nor more than fifty dollars; the occupant of any house upon which such notice shall be placed or posted as aforesaid, shall be held responsible for the removal

of the same, and if the same shall be removed without the permission of the health officer, such occupant shall be subject to the like fine of not less than five dollars, nor more than fifty dollars, unless he shall notify the health officer within twenty-four hours after the removal of the said notice.

476. The health officer may take such measures as he may, from time to time, deem necessary to prevent the spread of small-pox, by issuing an order requiring all persons in the city, or any part thereof, requiring vaccination, to be vaccinated within such time as he shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to a fine of not less than three dollars nor more than twenty-five dollars: *Provided*, that it shall be the duty of the health officer to provide for the vaccinnation of such persons as are unable to to pay for the same, at the expense of the city.

477. All persons are required to obey the ordinances, precepts, regulations and requirements of said board or the health officer; and whoever shall fail, refuse or neglect so to do, shall be guilty of a misdemeanor, and fined not less than one nor more than one hundred dollars.

Article III.

HEALTH OFFICER—HIS DUTIES.

478. The health officer shall, before entering upon the duties of his office, execute a bond to the city of Monmouth, in the penal sum of two thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of his office.

479. It shall be the duty of the health officer to call meetings of the board of health whenever in his opinion there is a necessity for such meeting, and to issue such orders and take such measures as may be necessary for the abatement of nuisances of every sort in any manner prejudicial to health, whether on public or private property within the city limits, or within one mile thereof; to see that the orders of the board of health are obeyed, in relation to any person attacked by a contagious disease; to attend the meetings of the board of health, and act as a member thereof.

480. Each member of the board shall have a reasonable compensation for every day he shall attend the meetings of the board. The board of health shall also keep a correct and full account of all other expenses incurred by them, with whom, and on what account, and whether payable by the city or by individuals, and a like account of all moneys expended, to whom paid, and on what account, and shall, at the end of every month, render to the city council an account of all expenses that may have been incurred under their authority, and, upon the board certifying to the correctness of the same, and the

same being approved by the city council, a warrant shall issue thereof, payable out of any money not otherwise appropriated; and the health officer shall have a reasonable compensation allowed him by the council for any additional services he may perform under the provisions of this chapter, and shall present his bills for such services to the city council at the regular meetings thereof.

CHAPTER VII.

The Police Department.

I. The City Marshal, his duties.
II. The Deputy Marshal.
III. The Police Officers, their duties.

ARTICLE I.

THE CITY MARSHAL.

481. There is hereby created the office of city marshal who shall hold his office for the term of two years, and until his successor shall be duly qualified. The marshal shall be elected at the annual election for municipal officers on the third Tuesday in April, 1883, and bienially thereafter.

482. He shall, before entering upon the duties of his office, execute a bond to the city of Monmouth in the penal sum of five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

483. He shall devote his whole time to the municipal affairs of the city of Monmouth, to preserve the peace, order, safety and cleanliness thereof, and to this end, he shall execute and enforce all ordinances and orders of the city council, and the orders of the mayor.

484. He shall be charged with the duty of protecting the rights of persons and property, and providing a proper police force at every fire, protecting strangers and travelers at railway stations, and causing to be enforced all ordinances of the city.

485. He shall take notice of all nuisances, impediments, obstructions and defects in the streets, avenues, alleys and public places of the city, and shall remove the same, or cause immediate notice thereof to be given to the superintendent of streets.

486. It shall be the duty of the city marshal to attend all meetings of the city council and of the board of health, and to serve all writs, notices and precepts of both the city council and the board of health.

487. It shall be the duty of the city marshal to execute all writs or other process issued by the mayor or police magistrate of the city;

to collect by execution or otherwise, all fines, forfeitures and penalties which may accrue to the said city not otherwise provided for by ordinance or resolution of the city council; to diligently inquire into and report to the mayor all violations of the city ordinances, violations of the criminal law of the State, breaches of the peace, and to prosecute the persons guilty thereof; to ferret out all suspicious or disorderly houses in the city, and report the same to the mayor, and visit all parts of the city where disturbances or breaches of the peace, or violation of any ordinance are likely to occur; to arrest without warrant any person who shall be found violating any ordinance of the city, and bring such person before the police magistrate to be dealt with according to law; to preserve and safely keep all moneys or property which may be found upon the person, in possession of or claimed by any person arrested for crime, and pay or deliver over the same by the order of the mayor of the city; and the said marshal shall on or before the first Tuesday in April in each year make out and hand over to the clerk of the council a report of all money received by him by virtue of his office, and what disposition has been made of the same, and he shall in the discharge of his duties as marshal, have the power to execute writs or other process issued by the mayor and police magistrate anywhere within the limits of Warren county, and in the discharge of his duties he shall be invested with the same powers as are conferred upon constables by the laws of this State; and it shall be his imperative duty to be active and vigilant, and enforce the several provisions of all the ordinances of said city, and he shall do and perform such other duties as may be required of him by ordinance, resolution or order of the city council.

488. The city marshal shall, at the first regular meeting of the council in each quarter of the fiscal year, render a detailed report to the council in writing of all his acts as city marshal during the preceding quarter, with a statement of all arrests made in the city by him, or by any of his subordinate officers, during said preceding quarter, and at the same time a statement to the clerk, in writing, of all moneys received and all sums paid out by virtue of his office during said quarter, and shall require all his subordinate officers, including the deputy marshal, to make a report to him at the close of each month, showing in detail the number of arrests made, name of person arrested, cause, etc., and the receipt and disbursement of any moneys by them during the preceding month.

489. He shall prepare and submit to the city clerk, on or before the first day of May in every year, an estimate of the whole cost and expenses of providing for and maintaining the department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid by said clerk before the city council, with his annual estimate.

490. The salary of the city marshal shall be seven hundred doll-

ars per annum, payable monthly, and he shall not receive any fees, or any other remuneration whatever.

Article II.

THE DEPUTY MARSHAL.

491. The city council may create the office of deputy marshal of the city, who shall be appointed by the mayor, by and with the advice and consent of the city council, and shall hold office for one year, and until his successor shall be appointed and qualified.

492. Before entering upon the duties of his office he shall execute a bond to the city of Monmouth in the penal sum of two thousand dollars, with sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office.

493. It shall be the duty of the deputy marshal to aid and assist the marshal in preserving the peace and good order of the city, and in enforcing the laws and ordinances thereof. He shall have power to arrest any person or persons whom he may discover violating any of the laws or ordinances of the city, and shall have, under the marshal's direction, the same powers, and shall perform the same duties as the marshal.

494. The city council shall determine the amount of his salary, and he shall be entitled to no other compensation.

Article III.

THE POLICE OFFICERS—THEIR DUTIES.

495. At the first regular meeting of the city council in the month of May, in each and every year, or as soon thereafter as practicable, the city marshal shall appoint by and with the advice and consent of the city council, not less than three, nor more than fifteen policemen for said city, whose duties shall be to discover and bring to justice criminals, and all persons who shall offend against the laws and ordinances of this city; and perform such other duties as attach to the functions of detective and police officers. The powers of the said policemen shall be the same as those of the city marshal of said city on all occasions of arrest, service of process, and quarreling, disturbances, and the preventing of violations of the laws and ordinances of this city.

496. All police officers shall, when on duty, be under the direction and control of the city marshal, except as otherwise provided by ordinance.

497. At any time when it shall become necessary in order to maintain peace and good order in the city, the city marshal may appoint any number of extra policemen, whose powers and duties

shall be the same as regular policemen, who shall hold such office until they shall be discharged or relieved by the officer making such appointment, and they shall receive such compensation for their services as shall be allowed policemen regularly appointed.

498. Any policeman appointed by the city marshal may at any time be discharged from office by the city marshal when the services of any such policeman are not longer necessary; and any policeman may be removed from office by the city marshal, with the advice and consent of the mayor, at any time for any misconduct, or dereliction of duty, or when in the judgment of the city marshal, the public good may require it, without any formal trial or investigation or charges preferred.

499. Every policeman appointed by virtue of this ordinance shall wear on his breast a metal star when acting in discharge of his official duties.

500. In all cases of violation of any ordinance of the city, or in case of any violation of the criminal laws of this state, it shall be the duty of the city marshal, or any policeman of said city, upon view thereof, or upon immediate pursuit, forthwith to arrest the offender, or offenders, without warrant, and proceed to prosecute such offender, or offenders, according to law. And the city marshal or any policeman of said city may, and shall if necessary, call to his aid or assistance any male person or persons who are residents of said city, above the age of twenty-one years; and any such person or persons who shall refuse to give assistance when so called upon shall, on conviction, forfeit and pay a fine of five dollars.

501. The powers and duties of the city marshal or any of the aforesaid policemen acting under the authority and direction of the city marshal, shall extend to regulating and directing the travel and movements of any and all persons, teams, horses, carriages, and all vehicles traveling or going in the public streets and other public thoroughfares of said city, for the purpose of preventing collisions or injuries to persons and property while going or traveling on any such streets and thoroughfares of said city, and each and all persons so traveling or going as above provided, are required to observe and obey the orders and directions of the city marshal or any policeman of said city, made for the purpose aforesaid, when so traveling as aforesaid; and any person or persons violating or failing or neglecting or refusing to observe or obey any such orders and directions of the city marshal or any policeman shall, on conviction, be fined five dollars; and the city marshal or any such policeman may arrest any person violating this section of this ordinance without warrant.

502. Before entering upon the duties of his office, each police officer who shall be appointed to the regular police force shall execute a bond to the city of Monmouth in the penal sum of five hundred

dollars, with surety, to be approved by the city council, conditioned for the faithful performance of the duties of his office.

503. It shall be the duty of every police officer, immediately upon an alarm of fire, to repair to the place of the fire and there remain subject to the direction of the mayor, or if he be not present, to the city marshal for the discharge of police duty, and to aid in extinguishing the fire, and preserving and protecting property as well from the fire as from the hands of pilferers, thieves and any other not the owners, who would make way with any such property.

504. The police officers shall receive as compensation for their services such fees as the council may by ordinance provide.

CHAPTER VIII.

The City Engineer.

I. City Engineer.
His duties, etc.
Ex-officio surveyor.

ARTICLE I.

CITY ENGINEER, ETC.

505. There is hereby established the office of city engineer, who shall hold office for the term of one year, and until his successor shall be appointed and qualified.

506. The city engineer shall be appointed by the mayor, by and with the advice and consent of the council, at the first regular meeting in May, 1883, or as soon thereafter as may be, and annually thereafter.

507. He shall, before entering upon the duties of his office, execute a bond to the city, with surety, to be approved by the city council, in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties of his office.

508. The city engineer shall be *ex-officio* the city surveyor, and shall perform all the duties of that office, in addition to such other duties as the council may by order, resolution, or ordinance require.

509. It shall be the duty of such engineer, when ordered by the city council, to ascertain and establish the grade of any street, avenue, alley and public square within the corporate limits of the city, and mark the same in some substantial manner. He shall, when ordered by the mayor, examine all public works and contracts in course of erection or completion, and shall preserve in a manner convenient for reference all the plats, surveys, maps, papers and books pertaining to his office. He shall, when required by the council, make all sur-

veys, together with all estimates, plans, specifications and drawings of all public works or buildings, or the grading of streets, and all necessary surveys of streets, avenues, alleys and public squares, and all other surveys required by the city.

510. He shall have charge of all instruments, books, maps, plats, etc., belonging to the city and pertaining to his office, and at the close of his term of office, shall deliver them to the mayor with the addition of maps, plats, field-notes, bench-marks, etc., made by him during his continuance in office.

511. He shall make an annual report in writing to the council at their first regular meeting in the month of April, showing a general abstract of all the operations in his department during the previous year, the work executed, and which remains to be executed, and such other information as he shall deem of interest to the city, or the city council may require, and shall make reports to the clerk when required by that officer to do so.

512. He shall receive such compensation for his services as the city council shall deem proper to allow.

CHAPTER IX.

The Fire Department.

I. The Fire Marshal.
II. The Assistant Fire Marshals.
III. Special Provisions.

ARTICLE I.

THE FIRE MARSHAL.

513. There is hereby established an executive department of the municipal government of the city of Monmouth which shall be known as the fire department, and shall embrace one fire marshal, one first and one second assistant fire marshal, and such number of captains, lieutenants, engineers, pipemen, drivers, truckmen, assistants, and employes, and such companies of hook and ladder men, hose men and engine men as the city council may see fit to prescribe and establish.

514. There is hereby created the office of fire marshal, who shall be the head of the fire department, and shall hold his office for the term of one year, and until his successor shall be appointed and qualified.

515. He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1883, or as soon thereafter as may be, and annually thereafter.

516. Said fire marshal before entering upon the duties of his

office, shall execute a bond to the city of Monmouth, in the sum of five hundred dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

517. The fire marshal shall in all cases of fire have sole and absolute control over all the members of the fire department. He shall also at all times have the general direction and management of all fire engines, hose, hook and ladders and other apparatus belonging to the fire department, and shall be responsible for the safety and good condition of the same. He shall once in each year, at the first regular meeting in April, report to the city council the condition of the fire department, and the engines and other apparatus belonging thereto, and shall recommend such alterations, improvements and additions thereto as by him may be deemed necessary and expedient.

518. The fire marshal, or any assistant fire marshal in command, may prescribe limits in the vicinity of any fire, within which no persons excepting those who reside therein, firemen and policemen, and those admitted by order of any officer of the fire department, shall be permitted to come.

519. The fire marshal shall have power to arrest all parties by him suspected of incendiary intent, and to take them before any magistrate for criminal prosecution.

520. He shall inquire into and investigate the cause of all fires which may occur in the city, as soon as may be after they occur, and cause to be kept a record of his proceedings, and file the same, or a copy thereof, in his office.

521. He shall prepare and submit to the city clerk on or before the first day of May in every year, an estimate of the whole cost and expenses of providing for and maintaining the fire department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid by said clerk before the city council, with his annual estimate.

Article II.

THE ASSISTANT FIRE MARSHALS.

522. It shall be the duty of the said assistants, if in their power, to attend all the fires happening in the city, and in case of the absence of the fire marshal at any fire, it shall be the duty of the first assistant to take charge of the organization, and he shall have and exercise all the powers of the fire marshal; and in case of the absence of both the fire marshal and first assistant, the assistant marshals shall have and exercise the duties and powers of fire marshal in the order of their arrival at the fire. In case of vacancy in the office of fire marshal, the first assistant shall discharge the duties of fire marshal until the vacancy shall be filled.

Article III.

SPECIAL PROVISIONS.

523. The firemen shall be divided into companies of engine men, hose men, and hook and ladder men, as the city council may, on the suggestion of the fire marshal, from time to time direct; all members of either of said companies shall be able-bodied men, over the age of twenty-one years, and no person shall be recognized as a member of either of said companies who shall not have been duly elected as such by a majority of the acting members of the company. The number of men in any engine company shall not at any time exceed forty, nor be less than twenty, except when such company is provided with a team or teams to draw the engine, in which case the city council may provide that the number shall be less. The number of men in any hook and ladder company shall not exceed thirty, nor be less than twenty.

524. Each of said companies may adopt such constitutions, by-laws and rules for its regulation and government subordinate to the ordinances of said city, as it may deem best calculated to accomplish the object of its organization.

525. Whenever any member of any fire company in this city shall be justly indebted to said company, pursuant to the constitution and by-laws of said company and the same has been submitted to and approved by the city council, it shall be lawful and competent for said company to sue such members and recover the amount so due, in an action of debt in the name of the city for the use of said company.

526. The different fire companies under the directions of their proper officers, shall upon every alarm of fire, repair to the place of the fire with the fire engine and other fire apparatus under their care, and there work and manage the same under the direction of the fire marshal and his assistants, and in case of the absence of the fire marshal and his assistants, they shall place and work their apparatus in the most effective manner, until the fire be extinguished. If any company shall, without permission of the fire marshal in command, or such other person as may be in command, leave any fire with its engine or other fire apparatus, the officer directing the command of such company while so leaving shall, upon conviction, forfeit and pay the sum of twenty-five dollars for each and every offense.

527. Each fireman shall, when on duty, wear such badge or uniform, to be provided by the city, as may be required by the rules of the respective companies.

528. All members of the fire department are hereby exempted from laboring on the streets, roads and other public highways of said city, and are also exempted from sitting as jurors in police prosecutions before the police magistrate of said city.

529. No person shall in any manner obstruct the use of any fire hydrant or cistern, or have or place any material in front thereof or within twenty feet from either side thereof, under the penalty of ten dollars for each offense; and any and all material found as an obstruction as aforesaid may be forthwith removed by any member or members of the fire department, and at the risk, cost and expense of the owner or claimant.

530. Any person not a member of the fire department, who shall personate a fireman or officer of the fire department at a fire, or going to or returning from a fire, by wearing a cap or badge or in any other way, shall be subject to the penalty of ten dollars for each offense.

531. Every person who shall be present at a fire shall be subject and obedient to the orders of the fire marshal and the assistant fire marshals, in extinguishing the fire and the removal and protection of property; and in case any person shall refuse to obey such orders, he shall forfeit and pay for every offense the sum of five dollars: *Provided*, that no person not a member of the fire department shall be bound to obey any of said officers, unless such officers shall bear their respective badges of office, or their official character shall be known or made known to him; and all such officers shall have power to arrest any person or persons so refusing to obey such lawful orders as aforesaid, and hold them in custody until after the fire is extinguished, when he or they shall be taken before a magistrate to be dealt with according to law.

532. It shall be lawful for the fire marshal and the assistant fire marshals to require the aid of any drayman with his horse and dray, driver of a licensed wagon with his team and wagon, or any citizen, inhabitant or bystander, in drawing or conveying any engine or other fire apparatus to the fire and in working and using the same while at a fire; and on the refusal or neglect of any person to comply with such requisition, the offender shall for every default forfeit and pay a penalty of not less than five dollars nor more than twenty dollars.

533. Any person who shall willfully offer any hinderance to any officer or fireman in the performance of his duty at a fire, or shall willfully in any manner injure, deface or interfere with any engine or fire apparatus belonging to the city of Monmouth, shall for every such offense forfeit and pay a penalty of not less than twenty-five dollars.

534. No wagon, street railroad car, or other vehicle, shall be driven over any unprotected hose of the fire department of the city of Monmouth, when laid down on any street or alley to be used at any fire or alarm of fire without the consent of the fire marshal or the assistant in command, and any person violating this section shall be subject to the penalty of not less than five nor more than one hundred dollars for each offense.

535. If any person having charge of an engine or other fire

apparatus shall suffer the same to be applied to private uses without the consent of the fire marshal, or in his absence of the proper assistant fire marshal, he shall pay a penalty of not less than five dollars nor more than fifty dollars for each and every such offense, and shall be personally liable for all injuries thereby accruing to such engine or other fire apparatus.

536. The acting fire marshal, or in his absence the mayor, shall have power, in his discretion, to permit any fire company to go with their respective engines and other fire apparatus, beyond the limits of said city, to be absent such length of time as he may direct not to exceed *twelve hours*. Any officer in command of any company who shall suffer or permit the engine or other fire apparatus in charge of said company to be taken beyond the limits of said city without such permission, shall, upon conviction, forfeit and pay not less than five nor more than one hundred dollars for each and every such offense, and shall also be liable for all injuries that may happen to such engine or other fire apparatus during such absence.

537. If any foreman of any fire company or any fireman shall refuse to obey the fire marshal or his assistant, or the person having control at any fire, he shall forfeit and pay not less than one dollar nor more than twenty-five dollars for each and every offense.

538. The fire marshal in command, or in the absence of the fire marshal and his assistants, the mayor or any alderman may direct the hook and ladder men to cut down and remove any building, erection or fence for the purpose of checking the progress of the fire, and to the same end the fire marshal in command at any fire, may with the advice of a member of the city council, blow up or cause to be blown up with powder or otherwise, any building or erection for the same purpose.

539. It shall be unlawful for any person except an engineer of the fire department, or one of the fire marshals, or some person authorized by them, to start the fires in any engine belonging to the department, or to start in operation any extinguisher belonging to said department; and whenever any such fire engine or extinguisher shall be in operation, the apparatus shall be under the control of an engineer of the fire department or the fire marshal in command, or some person authorized by them or either of them; and it shall be unlawful for any other person to interfere with said apparatus in any manner.

540. Any person who shall violate any of the provisions of this chapter, for which no other penalty is provided, shall forfeit the sum of not less than five nor more than twenty-five dollars for each and every offense.

CHAPTER X.

Inspector of Weights and Measures.

I. The Inspector.
II. Special Provisions.

ARTICLE I.

THE INSPECTOR.

541. There is hereby created the office of inspector of weights and measures, who shall hold his office for the term of one year, and until his successor shall be appointed and qualified.

542. He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1883, or as soon thereafter as may be, and annually thereafter.

543. Said inspector shall, before entering upon the duties of his office, execute a bond to the city of Monmouth, in the sum of one thousand dollars, with sureties to be approved by the mayor, conditioned for the faithful performance of the duties of his office.

544. It shall be the duty of said inspector to inspect and examine at least once in each and every year, all weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing and measuring in the city of Monmouth, and to stamp with a suitable seal all weights and measures and scales so used, which he may find correct, and deliver to the owner thereof a certificate of their accuracy.

545. It shall also be the duty of the inspector, on the written complaint of any person, that any instrument used in weighing in the city is not conformable to the standard of the state, to forthwith inspect the same; but he shall not charge any fees for said inspection unless the said instrument be found to be not conformable to the said standard.

546. It shall be the duty of the said inspector to make a register of all the weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing, inspected and sealed by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the state.

547. It shall also be the duty of the said inspector of weights and measures, once in each year, to deliver a copy of the register made or kept by him, as mentioned in the preceding section, to the city council.

548. It shall be the duty of the said inspector of weights and measures, to report forthwith to the city attorney the names and places of business of all persons making use of any fraudulent or unsealed

weights, measures, scales, balances, gauge, or any instrument used for the purposes above described.

Article II.

SPECIAL PROVISIONS.

549. It shall not be lawful for the said inspector to vend any weights, measures, scale-beams, patent balances, steelyards, or other instruments to be used for weighing, or to offer or expose the same for sale in the city of Monmouth under the penalty of fifty dollars for every such offense.

550. Said inspector shall examine and inspect all weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing at the stores and places where the same may be in use, and in case they be found conformable to the standard of this state, he shall seal the same and deliver to the owner thereof a certificate of their accuracy; but in case any of them be found not conformable to the standard of this state, they shall be sent by the owner thereof, at his expense, to the said inspector for the purpose of being adjusted and sealed within three days after the owner thereof shall be required so to do in writing by the said inspector under penalty of ten dollars for such neglect.

551. It shall not be lawful for the said inspector to make any charges for inspecting and examining weights, measures, or other instruments used for weighing more than once in each year, unless they shall be found to be not conformable to the said standard.

552. The inspector of weights and measures shall be entitled to demand and receive before the delivery of the certificate mentioned the following fees:

For inspecting and sealing railroad or track scales of the capacity of twenty tons and upward, each, three dollars.

For inspecting and sealing scales of from three to ten tons capacity, each, two dollars.

For inspecting and sealing dormant scales, each twenty-five cents.

For inspecting and sealing movable platform scales, each, twenty-five cents.

For inspecting and sealing beams weighing one thousand pounds and upward, each, twenty-five cents.

For inspecting and sealing hopper scales, each, one dollar.

For inspecting and sealing counter scales, each, twenty-five cents.

For inspecting and sealing every patent balance, steelyard, or other instruments for weighing, other than above enumerated, each, fifteen cents.

And with each scale sealed by him he shall inspect and seal one set of weights without any additional charge.

For inspecting and sealing any dry or liquid measure, each, ten cents.

553. All persons using any weights, measures, scale-beams, patent balances, steelyards, or any other instrument in weighing or measuring any article or commodity intended to be purchased or sold in the city of Monmouth, shall cause the same to be inspected and sealed by the inspector of weights and measures in said city, and all itinerant peddlers and hawkers using scales, balances, weights, or measures, or any other instruments in weighing or measuring, shall take the same to the inspector of weights and measures before using the same, and have the same sealed and adjusted once in each year; and any such itinerant peddler or hawker failing to comply with the provisions of this section shall each forfeit and pay to the said city a sum of not less than five nor more than ten dollars, with the costs of prosecution, for each and every day such person or persons shall use any weights, measures, or any instrument in weighing or measuring without having the same inspected and sealed as hereinbefore provided, after having been notified so to do by the inspector.

554. Any person who shall sell, or offer for sale, any fruit, vegetables, berries, or grain of any description, or any article of dry measurement within the city of Monmouth, in wine measures, or in any other than legal dry measures, which shall have been rated by the inspector of weights and measures, whether of pint, quart, or any other contents; or who shall practice deceit or fraud in the sale of wood or coal, by selling for a cord of wood less than 128 cubic feet of wood, or for a ton of coal less than 2,000 pounds of coal, shall be subject to a fine of not less than five nor more than twenty-five dollars.

555. Any person who shall, in weighing or measuring any article for purchase or sale within the city of Monmouth, use any weight, measure, scale-beam, patent balance, steelyard, or other instrument not sealed, or without having first obtained the aforesaid certificate from the inspector, as required by this ordinance, shall be subject to a fine of twenty-five dollars for each and every offense.

556. No person shall refuse to exhibit any weights, measures, scale-beams, patent balances, steelyards, or other instruments used in weighing and measuring to said inspector for the purpose of being so inspected and examined, nor shall in any way or manner hinder or obstruct or molest said inspector in the performance of the duties as hereby imposed upon him; and any person violating any of the provisions of this section shall be subject to a fine of twenty-five dollars for each and every offense.

557. The city clerk, at the expense of the city, shall procure correct and approved standards of weights and measures of the standard adopted by the state of Illinois, with their necessary subdivisons,

together with the proper beams and scales, for the purpose of testing and proving the weights and measures of said standard used in the city.

CHAPTER XI.

The Weighmaster.

I. The Weighmaster—his duties.
II. Special provisions.

ARTICLE I.

THE WEIGHMASTER.

558. There is hereby established the office of weighmaster of the city, who shall be appointed by the mayor by and with the advice and consent of the city council, on the first Monday in May, 1883, or as soon thereafter as may be, and annually thereafter.

559. Before entering upon the duties of his office he shall execute a bond to the city of Monmouth in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties of his office.

560. It shall be the duty of the weighmaster to attend the city scales at all reasonable times, to weigh or measure any load for any person who may desire; and he shall keep an account of the weight or measurement of such load, the date of the same, and the name of the person for whom weighed or measured, and shall furnish to him a certificate for each load, which certificate shall contain the gross and net weight or measurement of such load, date and name of person; and he shall compute the net weight or measurement into the other denominations according to the standard of weights and measures of the state of Illinois, and a table of standard weights and measures shall be posted at some conspicuous place in his office.

561. He shall give no certificate for any load weighed by him without having weighed the empty wagon or vehicle within twelve hours before or twelve hours after such load was weighed, unless he has the consent of the buyer of the load. It shall be the rule that the driver of all teams be off the wagon when weighed, and it shall be the duty of the city weigher to mark on the certificate any deviation from this rule.

562. It shall be the duty of the weighmaster to report monthly to the city council an aggregate of the amount of the receipts of the city scales; and shall exhibit to said board the receipt of the city treasurer for whatever sum may be due the city.

ARTICLE II.

SPECIAL PROVISIONS.

563. Hereafter it shall not be lawful within the corporate limits of said city for any person or persons to buy, sell, or dispose of any load or loads of hay or stone coal or lime in bulk, without having the same weighed upon the public scales and obtaining from the weighmaster of such scales a certificate of the weight thereof; and it shall not be lawful within the corporate limits of said city for any person or persons to buy, sell, or dispose of any load or loads of cordwood, by the load, without first having the same measured by the weighmaster of said city, and obtaining from such weighmaster a certificate of the amount contained therein, unless otherwise agreed upon by the buyer and seller.

564. The charge for weighing each and every load, or other article or thing, or measuring each load of wood, shall be ten cents, to be paid by the seller.

565. It shall be unlawful for any person, after having a load, or part of a load weighed or measured, to remove any portion of such load before delivery with intent to defraud the purchaser.

566. The weighmaster shall be entitled to such compensation as the city council may see fit to allow.

567. The city council may from time to time provide by order, resolution, or by ordinance, that individual owners of scales or proprietors of wood-yards, or their agents, shall have the privilege of weighing loads of coal and hay, or such other commodities, or measuring wood, as the council may see fit, at their individual scales, under the provisions of this article.

568. Any person violating any of the provisions of this article shall be liable to a fine of not less than two nor more than fifty dollars.

569. It shall be the duty of the weighmaster and city marshal and policemen to see that the requirements of this article are complied with.

CHAPTER XII.

The City Sexton.

I. Sexton—his duties.

ARTICLE I.

CITY SEXTON.

570. There is hereby established the office of city sexton, who shall hold office for one year, and until his successor is duly appointed and qualified.

571. The sexton shall be appointed by the mayor, by and with the advice and consent ot the city council, at the first regular meeting in May, 1883, or as soon thereafter as may be, and annually thereafter.

572 He shall, before entering upon the duties of his office, execute a bond in the penal sum of one thousand dollars with surety to be approved by the council, conditioned for the faithful performance of the duties of his office.

573. It shall be the duty of the city sexton to have entire charge under the direction of the city council, of the cemetery grounds, and the charge and superintendence of the interments to be made in said grounds.

574. It shall also be his duty to keep a complete register of all the burials in said cemetery, with the date of burial, and names and ages of the dead, which book of record shall at all proper times be open to the inspection of those interested.

575. He shall attend at all reasonable hours at the public cemetery of the city to do and perform any of the duties that may be required of him under the provisions of the article in relation to cemeteries, and the article in relation to burial permits.

576. He shall, annually, on or before the first Tuesday in April, prepare and present to the city clerk a full and correct account of all his doings during the previous year, and shall make such other reports to the clerk or the council as may be required of him.

577. He shall receive such compensation for his services as the city council may provide by ordinance or resolution.

CHAPTER XIII.

Miscellaneous Ordinances.

Article I.

AMUSEMENTS.

578. For the purposes of providing for the licensing and taxing of theatricals, shows, amusements and all public exhibitions for gain, in a just and equitable manner, the same are hereby divided into three classes, which shall be known as the first, second and third, as follows:

First—All entertainments of a dramatic or operatic character, including public readings and recitations, lectures, and exhibitions of paintings or statuary, shall belong to and be known as entertainments of the first class.

Second—Concerts or orther musical entertainments, panoramas,

performances of any feats of jugglery, sleight-of-hand or necromancy, and exhibitions of any natural or artificial curiosities, shall belong to and be known as entertainments of the second class.

Third—Circuses, menageries, caravans, side-shows, and concert, minstrel or musical entertainments given under a covering of canvas, exhibitions of monsters or freaks of nature, variety and minstrel shows, and all other exhibitions, performances and entertainments not herein enumerated, shall belong to and be known as entertainments of the third class.

579. No person or persons, within the limits of the city, shall give any of the entertainments mentioned in this article, for gain, without a license for that purpose first had and obtained from the mayor, under the seal of the city, under a penalty of not less than fifty dollars and not exceeding two hundred dollars, for each and every violation of this section: *Provided*, that for musical parties or concerts, and exhibitions of paintings or statuary, given by citizens of this city, not engaged in the giving of such entertainments, as a business, or for any permanent literary or benevolent society or church of said city, or for any public lecturers employed by the same, no license shall be required.

580. Each license shall express for what it is granted, and the time it is to continue, and the following tax, or license fee, shall be imposed upon each license, granted as aforesaid:

First—For entertainments of the first class three dollars for every performance or exhibition; for one week fifteen dollars.

Second—For entertainments of the second class three dollars for every performance or exhibition; for one week fifteen dollars.

Third—For entertainments of the third class, the following sums: For each circus or circus and menagerie forty dollars for each day; for each managerie forty dollars for each day; for each side-show with any circus or menagerie, five dollars for each day of exhibition; for each concert, musical or minstrel entertainment, given under a covering of canvas, five dollars for each day.

Fourth—For each variety or minstrel show, or other entertainment of the third class, five dollars for each day.

581. The mayor, or the clerk, with his consent, shall determine in every case, where application for a license under this article is made, the class to which the entertainment belongs, and the person or persons to whom the license may be granted shall pay the license tax or fee herein fixed for such license.

582. The word "entertainments" used herein, shall be taken to mean and include theatricals and other exhibitions, shows and amusements, wherein and whereby any person or persons shall act, play, or

perform any play, opera, or other dramatic or musical composition, or give performances of any kind, or give any show or public exhibition for gain.

583. Every license granted under the provisions hereof, shall at all times be subject to the ordinances of the city existing when the same shall be issued, or which shall thereafter be passed, so far as the same shall apply.

584. All licenses for entertainments, where a license is required, shall contain a proviso that no gaming, raffle, lottery or chance gift distribution of money or articles of value shall be connected therewith or allowed by the person obtaining said license, or in anywise permitted or held out as an inducement to visitors; and when any person or persons shall be charged by a credible person with having violated the provisions of his or her license, as aforesaid, the mayor of the city is directed to give the parties accused reasonable notice thereof, and inquire into the truth of said charge; and if the accusation be sustained to his satisfaction, he may revoke the license of any such person or persons, and every such person or persons so offending shall be subject to a penalty of one hundred dollars.

585. It shall be the duty of every proprietor or lessee of any theatre, hall, or other building where public entertainments are given, before he permits any person or persons to use the same for the purpose of giving any entertainment therein for gain, to obtain from the mayor the license herein required, either in his own name, or in the name of the person proposing to give such entertainment, under a penalty of fifty dollars for each and every violation of this section.

586. It shall not be lawful for any person or persons to destroy, tear, mutilate, cover over, or otherwise deface or injure, any bill or poster (posted in such places as may be permitted), descriptive of any performance or entertainment to be given in any licensed theatre or hall, or in pursuance of a license given by the city, and any person or persons violating the provisions of this section, shall be subject to a penalty of not less than five nor more than twenty-five dollars for each and every violation thereof.

587. No chairs, stools, or seats of any description shall be placed or permitted to remain in or across the lobby, aisles, or passage-ways, in any theatre, hall, or other public building, when the same is occupied by the public, under a penalty of one hundred dollars for each and every violation of this section.

588. All persons owning, leasing, managing, or having charge of any church, theatre, opera house, public hall, or place of amusement in the city of Monmouth, shall be required to have all doors leading to or from the same hung so as to open out therefrom.

589. It shall be the duty of all members of the police force to see that the foregoing provisions are strictly observed, and in case of any violation thereof, forthwith to proceed to clear any obstructed aisle, passage-way, or lobby, and to arrest the offender or offenders.

590. It shall be the duty of every owner or lessee of every licensed theatre, hall, or other building, to keep and preserve good order in and about his premises, and to that end he shall hire, and keep at his own expense, a sufficient number of special police officers.

591. It shall not be lawful for any person or persons to stand in the lobby or outer entrance to any theatre, hall, church, or other public building, or on the sidewalk adjacent to, and within fifty feet of such entrance, after a request to move on, made by the owner, lessee, sexton, or any police officer, under a penalty of five dollars for each and every such offense.

Article II.

AUCTIONEERS.

592. No person shall be permitted to carry on the business of an auctioneer within the limits of the city without first having obtained a license therefor. Any person desiring an auctioneer's license shall pay for the same at the rate of twenty-five dollars for one year. No auctioneer's license shall issue for less than three months, but permits may be issued for a shorter period, in accordance with sections 598–599 of this article.

593. No license issued under the provisions of this article shall authorize the carrying on of the auction business in this city at more than one place at the same time. Nothing herein contained shall, however, be construed as preventing or prohibiting a regular licensed auctioneer from selling at public sale household goods, furniture, or other like property, at the residence of the owner of the same, or real estate where the same is situated. Nor shall the provisions of this article apply to judicial sales, or sales made under any order of court, or by virtue of any mortgage or trust deed, or sales made by an executor or guardian, or other person discharging the duties of a trust imposed by law.

594. All licenses to auctioneers shall be made to expire on or before the first day of April in each year, and shall be subject to revocation by the mayor whenever it shall appear to his satisfaction that the party so licensed shall have violated any provisions of any ordinance of the city relating to auctions or auction licenses.

595. No bellman or crier shall be employed, or suffered or permitted to be used, nor shall any gong or drum be used in connection

with or for the purpose of attracting attention to any place of sale, or at or near any auction room, or near any auction whatsoever.

596. Any person violating the provisions of the preceding sections shall, on conviction thereof, pay a fine of five dollars for each offense.

597. No person shall hold a public auction in the streets of this city without a special written permit from the mayor. Any person violating the provisions of this section shall, on conviction thereof, pay a fine of not less than five dollars for each offense.

598. Any person, not an actual and *bona fide* resident of the city of Monmouth, who is desirous of selling goods, wares and merchandise at auction, of which he is the owner, or over which he has the management and control, shall, before undertaking to make such sales, obtain a written permit, signed by the mayor and countersigned by the clerk, for which he shall pay the sum of ten dollars, and such permit shall authorize such person to sell such goods at auction for the period of ten days from the date of such permit. Such permits may be renewed for like or shorter periods, not less, however, than five days in the same manner and at the same rates.

599. Any person may act as auctioneer in the sale of goods, wares, etc., referred to in the preceding section who has obtained a license, or if he has not obtained such license, who will pay to the city treasurer at the rate of three dollars per day for each and every day he offers to sell such goods at public auction, and procure from the mayor a written permit, to sell for the number of days for which he has paid at the rate herein mentioned. No person, whether the owner or otherwise, shall act as auctioneer in the sale of said goods, who shall not first have obtained a license or permit as herein required.

600. All non-resident owners, transient merchants, or others, who may bring here or consign to others, residing or engaged in business here, goods, wares, or merchandise, for the purpose of having the same sold at auction, shall for the purposes of this article, be regarded as non-residents, and be required to obtain a license or permit as herein provided.

601. No auctioneer, coming here especially to sell a stock of goods, or other personal property, shall be permitted to sell the same at auction, unless he has previously taken out a license or permit, as required by this article, or unless he has been employed actually and in good faith, by a resident auctioneer, to aid him in making such sales. Any person undertaking to sell such goods or property at auction, without such permit or license, or without being so employed, shall, on conviction thereof, be fined in a sum not more than twenty-five dollars. And any resident auctioneer, who shall attempt to abuse the privilege given by his license, or be instrumental in

evading the provisions of this article by knowingly suffering any one to sell at auction, such goods or property, on the pretence that the one so selling is in his employment, when no such employment exists in fact, or is merely colorable, shall, on conviction thereof, be fined in a sum not exceeding one hundred dollars, and the council may, in addition thereto, if it sees proper, revoke his license.

602. This section shall not apply to any goods or merchandise which has been assessed against any resident citizen in an annual assessment for city purposes; nor to the sale of any stock, farm, garden or orchard products grown in this state, nor to articles manufactured in this city; nor shall it in any wise change or apply to the license of business of hawkers and peddlers; nor to any person who shall engage in the business of selling goods, wares or merchandise as a permanent citizen, with goods brought in after the close of the last annual assessment, and who, upon order of the mayor or city council, shall give bond or security for the assessment of such goods and the payment of taxes thereon, as other like stock of goods at the next annual assessment; nor to any person who, prior to and at the time of the receipt and sale of such goods, wares and merchandise, had been and was engaged in business as a regular resident merchant within said city.

603. Every person violating any of the provisions of this act, to which no penalty is attached, shall be liable to a fine of not less than five nor more than one hundred dollars for each offense.

Article III.

BURIAL OF THE DEAD.

604. No burial or interment shall be lawful in the city of Monmouth, nor shall any dead body be removed from said city until a permit for such burial, interment or removal shall have been first obtained from the health officer of said city.

605. Such permit shall be issued by the health officer upon his receipt of the usual certificate of death, signed by (1) the attending physician in the case; or, if none, by (2) one of the parents of the deceased; or, if none, by (3) the nearest of kin not a minor; or, if none, by (4) the resident householder where the death occurred; or, if none, by (5) any reputable citizen cognizant of the facts and circumstances of the death; or, if the death be the subject of an inquest, by (6) the coroner or other officer holding said inquest.

606. The health officer shall require of the person applying for such permit a fee of fifty cents for the use of the city in cases where the burial is to be made in the cemetery of the city; and in cases where the dead body is to be removed from the city for burial elsewhere a fee of one dollar for the use of the city.

607. It shall not be lawful for any burial or interment to be made at any place within the corporate limits of the city of Mon-

mouth except in the cemetery belonging to the city, nor until a receipt for the cemetery fees be obtained from the city treasurer, or in his absence, the city clerk.

608. The city treasurer, or in his absence the city clerk, shall issue the receipt for the cemetery fees only upon payment of the same by the person applying for the receipt, and upon presentation of the burial permit.

609. The burial permit and receipt for the cemetery fees shall entitle the person applying for the same to the services of the city sexton, and in no case shall the sexton permit a burial or interment to be made in the cemetery except upon presentation of both the burial permit and receipt for the cemetery fees.

610. The cemetery fees shall be as follows:

For interment of the body of a child of nine years or under, two dollars; for interment of the body of a person of any other age, three dollars.

For the removal of the remains of any person from one place to another within the cemetery, and re-interment, six dollars.

And in all cases arising under the foregoing section, a receipt for the fees for removal and reinterment shall first be obtained in like manner as receipts for other cemetery fees.

611. Any undertaker or sexton, and each and every other person engaged or concerned in a burial in violation of any of the provisions of this article, and the officers and employes of any transportation company, or any other person or persons engaged or concerned in the removal of a dead body from said city in violation of the provisions of this article, shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each offense.

612. The health officer shall enter in a suitable book, to be kept for that purpose, a record of all burial permits issued, and permits for removal, specifying the date of issue and to whom issued, together with all the items of information contained in the certificates upon which the issue of such permits is based; and he shall forward to the county clerk of Warren county, at the end of each month, all of said certificates so received during the month.

ARTICLE IV.

CEMETERY.

613. All monies arising from the sale of cemetery lots shall be used for the improvement and beautifying of the cemetery grounds, and for no other purpose whatsoever.

614. It shall be the duty of the city treasurer to keep all the moneys derived from such sales, in a separate and distinct fund from

all other moneys, and to report to the city council once in each quarter, the amount of said fund in his hands at the time of such report, with the amount paid out for improvements during the preceding quarter, and all orders drawn on said fund shall have endorsed thereon the words "cemetery fund."

615. The valuation of the lots in the cemetery grounds of the city shall be determined by the city council, and a record of such valuation shall be presented to the city treasurer by the city clerk, and kept in a book provided for that purpose.

616. The cemetery lots shall be sold in the manner provided by the city council, at such times as they may determine, at public or private sale.

617. Deeds to such lots shall be executed by the mayor, in the name of the city, and attested by the city clerk, and shall vest in the grantees all of the title of the city in and to said lots, subject, however, to all such changes and assessments as may from time to time be made against said lots by the city council for the purpose of improving and keeping the cemetery grounds in repair.

618. The city clerk shall charge for such deeds, for the use of the city, such fees as the council may provide.

619. It shall be the duty of the city treasurer to procure a well bound book, in which he shall keep a record of the description of the cemetery lots, the value of each lot, the names of the purchasers, and the date of sale.

620. Whenever any person shall desire to purchase any lot subject to sale at its appraised value, he shall pay to the said treasurer the appraised value thereof, whereupon it shall be the duty of the city treasurer to execute his receipt for said purchase money, stating therein the number of the lot and the block, for which said money is paid; and on the presentation of said receipt to the mayor and city clerk, it shall be their duty to execute a deed for said lot, the purchaser paying all expenses of said deed.

621. Blocks two (2) and three (3) in the cemetery grounds shall be set apart as a public burying ground for the burial of strangers and indigent persons. The sexton shall, at the time of such burials, designate the manner in which the same shall be made.

622. No person who has not been a resident of the city for six months preceding his or her decease shall be buried in that part of the cemetery known as the public burying ground except upon the written permission of the mayor, or, in his absence, the health officer, nor without the payment to the city clerk of the regular cemetery fees.

623. Any person who shall willfully destroy, deface, or in any

manner soil, disturb, or injure any head-stone, foot-stone, tablet, monument, or other thing placed in said cemetery for the purpose of perpetuating the memory of the dead, shall, on conviction thereof, be fined not less than ten nor more than one hundred dollars.

624. Any person who shall willfully throw down, open, injure, or destroy the fence about the cemetery ground, or any part thereof, or who shall cut, disfigure, or destroy any tree, shrub, or plant standing upon said ground, except the person who planted the same, or who owns the lot upon which such tree, shrub, or plant shall be placed; or any person who shall displace or destroy any stake, stone, or boundary within said grounds, shall, on conviction, be fined not less than five nor more than fifty dollars.

625 Any person who shall dig a grave or vault in said cemetery ground, in any street or alley thereof, or upon any lot therein, without the consent of the owner of said lot, or if said lot is unsold, without the consent of the sexton, shall, on conviction, be fined not less than than five nor more than twenty-five dollars.

626. Any person who shall open or any way disturb any grave, vault, or other place for the deposit of the dead, within said ground, not being the nearest of kin to the deceased person, a near relative of the deceased person, or legally entitled to disturb or open said grave, vault, or other place of deposit for the dead, except for the purpose of repairing or improving the same, shall, on conviction thereof, be fined in any sum not less than twenty-five nor more than two hundred dollars, or imprisonment in the city or county jail not exceeding six months, or both.

627. All persons must enter and leave the cemetery through the open gate, or over the stile, and when on the cemetery grounds, they must keep on the streets, lanes and alleys, and no person shall be permitted to go upon or across any lot of the cemetery unless he be the owner thereof, or have permission from the owner or sexton so to do; and visitors shall not be allowed upon the cemetery grounds after the hour of 8 p. m., without the permission of the sexton.

628. No minor shall be allowed on the cemetery grounds at any time except when attending a funeral or accompanied by parent, guardian or adult brother or sister, or when expressly permitted by the sexton.

629. Any person or persons guilty of a violation of any of the provisions of this article, for which no penalty is provided, shall, upon conviction, be fined not less than three nor more than fifty dollars for each offense.

Article V.

COACHES, CABS AND CARTS.

630. No person or persons shall hire out, keep or use for hire,

or cause to be kept or used for hire, for the carrying or conveying of persons within the city of Monmouth, any hackney coach, cab, coach, omnibus, or other vehicle or vehicles, carriage or carriages of any description or name whatever, without a license so to do.

631. The mayor is hereby authorized to license, under his hand, attested by the clerk and the seal of the city, any person being the owner of any or either of the said carriages or vehicles, to keep and use for hire and the conveyance of persons, any or either of said carriages or vehicles.

632. Any person desiring to take out a license for any of the vehicles mentioned in, or contemplated by, this article, shall deposit with the city treasurer the amount of the license fee, and the treasurer shall thereupon give him duplicate receipts therefor, one of which shall be presented to the mayor, who shall direct a license to issue.

633. Every vehicle licensed, under the provisions of this article, shall be numbered—the number to be the same as that on the license and put in some conspicuous place on the vehicle.

634. All licenses, issued under the provisions of this article, shall be made to expire on the first Monday of April following, and no license shall be issued for a shorter period than one year, except when the time to the end of the year is less. But the mayor may issue permits when the agricultural fair is in progress, and on like occasions, to persons not regularly licensed, to run vehicles for a less period, for which they shall pay not less than two dollars per day. Where permits are issued under this section, such permit shall be carried by the driver, and exhibited to the city marshal or any police officer of the city, who may require its production.

635. All licenses granted under this article shall designate the coach, cab, omnibus, or vehicle by their number or name, and the owner or owners, driver or drivers, shall be severally liable for each and every violation of this article by such owner or owners, or their driver or drivers.

636. It shall be the duty of the clerk to keep a register of the names of the persons to whom each license is granted, and the date of issue and the purposes for which obtained.

637. The license fee for each vehicle shall be as follows:

For all cabs, coaches, hacks, omnibuses and vehicles running to and from any place in the city, each, for one year, five dollars.

638. For all cabs, carriages, coaches, omnibuses, hacks, or other vehicles that shall run for the conveyance of passengers for hire or reward within the city; and all carriages, cabs, or other vehicles kept or used for hire by any keeper or keepers of livery stables for the

carrying or conveying of persons within the city of Monmouth shall be charged for license, each, such carriage, cab, or other vehicle, the sum of five dollars per annum.

639. The prices or rates of fare to be asked or demanded by the owners or drivers of hackney coaches, cabs, or other vehicles for the conveyance of passengers for hire, shall be as follows:

For conveying passengers anywhere within the city, twenty-five cents; but no charge shall be made for conveying children of ten years or under accompanying parents or others.

640. Every passenger shall be allowed to have conveyed upon such vehicle, without charge, his ordinary traveling baggage, not exceeding in any case one trunk and twenty-five pounds of other baggage. For every additional package, where the whole weight of baggage is over one hundred pounds, if conveyed to any place within the city limits, the owner or driver shall be permitted to charge fifteen cents.

641. There shall be fixed in every hackney coach, cab, or other vehicle for the conveyance of passengers for hire, in such manner as can be conveniently read by any person riding in the same, a card containing the name of the owner of said vehicle, the number of his license, and the whole of sections 639–640 of this article, printed in plain legible characters, under the penalty of not less than ten dollars for each and every violation thereof, and revocation of license.

642. No owner or driver of any hackney coach, cab, coach, or other carriage or vehicle licensed as aforesaid, shall refuse to convey in said city any person with or without baggage as aforesaid, when applied to for that purpose; or, having undertaken to convey such person, shall omit or neglect so to do, under the penalty of ten dollars for each offense.

643. Every cart, truck, wagon, dray, or other vehicle drawn by one or more horses or other animals, which shall be kept, used, driven or employed for the transportation of goods, wares, merchandise, or other articles for hire or gain from any freight depot or station to other places within the city of Monmouth, shall be deemed a public cart, within the meaning of this article, and every person who shall keep, use, or run any public cart without first obtaining a license therefor as herein provided, shall be deemed guilty of a violation of this article.

644. The license fee for such vehicles shall be as follows:

All drays, carts, wagons and other vehicles drawn by two horses or other animals, and running within said city for hire or reward, shall be charged for license, each, the sum of two dollars and fifty cents per annum: *Provided*, that nothing herein contained shall include baggage wagons running to and from hotels in connection with licensed hacks, omnibuses, or other vehicles.

645. All drays, carts, wagons and other vehicles drawn by one horse or other animal, and running in said city for hire or reward, shall be charged for license, each the sum of one dollar and fifty cents.

646. All drays, carts, wagons and other vehicles not engaged in the regular business of conveying merchandise, baggage, and other articles, but which shall be hired by the load or by the day, or for a longer or shorter period of time for the purpose of hauling or conveying goods, wares and merchandise or other articles to and from freight depots and railroad stations to other places within said city, shall be deemed for the purpose of this article, public carts, and shall be required to take out a license under the provisions of this article.

647. The prices or rates to be charged by the owner or driver of any public cart or other vehicle for the carrying of goods, wares and merchandise and for the loading and unloading of the same, shall be as follows :

For hauling each load to or from any freight or passenger depot forty cents.

For hauling any load a distance of six blocks or under, twenty-five cents, for a greater distance forty cents.

648. Every public cart shall keep the number of the license therefor in some conspicuous place upon said cart, and the driving or using of a public cart without its being so numbered, shall be deemed a violation of this article.

649. Every public cartman shall be entitled to be paid the legal rate or compensation allowed and provided in this article immediately upon the carting or transportation of any article or thing, and it may be lawful for any such public cartman to retain any article or thing so carted or transported by him for which he is not so paid his cartage, and all disputes or disagreements as to distance or rates between public cartmen, and persons employing them, shall be referred to and settled by the city marshal or any police officer.

650. No person driving any licensed public cart shall refuse to convey within said city the baggage, goods or merchandise of any person, when applied to for that purpose, or having undertaken to convey such baggage, goods or merchandise, or other thing, shall omit or neglect to do so, or shall state to, ask, take, or extort from any person desiring to have or having had, conveyed to any place in said city such baggage, goods, merchandise, or other thing, as the price or rate of fare for such conveyance, any greater price or rate of fare than that herein established, under the penalty of five dollars for every offense.

651. No person driving a licensed public cart shall in or about any railroad passenger house or freight depot in said city make any loud noise or disturbance, or be guilty of any lewd or indecent conduct

or behavior to the annoyance or disturbance of citizens or travelers, under the penalty of not less than five dollars for each and every offense.

652. No public cart shall be used within said city except it be duly licensed, and the person to whom license is granted to keep and use a public cart shall, for all the purposes of this article, be considered the owner thereof, and responsible for all articles intrusted to, and for the conduct of, the driver thereof, and liable equally with the driver thereof to all forfeitures, and penalties, and punishments herein contained or provided.

653. Any person or persons guilty of a violation of any of the provisions of this article for which no other penalty is provided, shall be liable to a fine of not less than five nor more than fifty dollars.

Article VI.

CONCEALED WEAPONS.

654. It shall be unlawful for any person, within the corporate limits of the city, to carry or wear under his clothes, or concealed about his person, any pistol, colt or slung shot, cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk, razor or dagger, or other dangerous or deadly weapon.

655. Any such weapon or weapons duly adjudged by any police magistrate or justice of the peace of said city to have been worn or carried by any person, in violation of the first section of this article, shall be forfeited or confiscated to the said city of Monmouth and shall be so adjudged.

656. Any policeman of the city of Monmouth may within the limits of said city without a warrant arrest any person or persons whom such policeman may find in the act of carrying or wearing under their clothes or concealed about their persons, any pistol, or colt, or slung shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon, and detain him, her or them in custody until a summons or warrant can be procured on complaint made (under oath or affirmation) for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

657. Upon complaint made, under oath or affirmation, to any magistrate or justice of the peace in said city, that any person has been guilty of violating any of the provisions of section 656 of this article, a summons or warrant shall issue for the summoning or arrest of the offender or offenders, returnable forthwith; upon the return of such summons or warrant, such magistrate or justice shall proceed to the hearing and determination of the matter, and if it shall be adjudged that such person or persons has or have incurred

any of the penalties fixed by this article, such magistrate or justice of the peace shall so adjudge, and order that the weapon or weapons, concerning the carrying or wearing of which such penalty shall have been incurred, shall be confiscated to the city of Monmouth.

658. Any person or persons violating any of the provisions of this article shall pay a fine of not less than three dollars nor more than fifty dollars.

659. The prohibitions of this article shall not apply to the officers or members of the police force of said city when on duty, nor to any officer of any court whose duty may be to serve warrants or to make arrests; nor to persons whose business or occupation may seem to require the carrying of weapons for their protection, and who shall have obtained from the mayor a permit so to do, as hereinafter provided.

660. The mayor may grant to so many, and such persons as he may think proper, permits to carry concealed weapons, and may revoke any and all of such permits at his pleasure.

661. Applications for such permits shall be made to the mayor, and when granted the person applying therefor shall pay to the city treasurer the sum of fifty cents, and thereupon a permit shall be issued by the city clerk and signed by the mayor.

662. Every such permit shall state the name, age, occupation and residence of the person to whom it is granted, and shall expire on the first day of April next following.

Article VII.

DEPOT GROUNDS.

663. It shall be unlawful for any person or persons to loaf, lounge, or loiter in or about any freight-house, wareroom, waiting-room, depot building, or upon any of the walks or platforms upon or adjacent to any depot grounds in said city to the annoyance or alarm of any other person or persons who shall be there, or liable to be there, for the transaction of business.

664. All persons shall be deemed guilty of lounging, loafing, or loitering at any of the places enumerated in the preceding section, who shall remain at any of the aforesaid places for a longer time than is reasonably sufficient, by prompt and diligent attention and labor to perform the business of necessity to be performed by such person or persons at such places, unless such person or persons can show express permission from the railroad company then owning or controlling such depot, to remain for a longer time, and any person or persons violating the provisions of this article shall, upon conviction, be liable to a penalty of not less than three nor more than ten dollars.

665. It is hereby made the duty of the city marshal and the policemen of the city to visit the places enumerated in this article as often as may be necessary to secure a rigid enforcement of this article, and to arrest, without warrant, all persons found violating any of its provisions.

Article VIII.

DOGS.

666. Hereafter it shall not be lawful to permit any dog to go abroad loose, or at large, in any of the public streets, avenues, alleys, parks, or places within the corporate limits of the city of Monmouth, under a penalty of five dollars for each offense, to be recovered against the owner, possessor, or person who knowingly harbored such dog within three days previous to the time of such dog being so found going abroad loose or at large. Nothing in this article shall prevent any such dog from going into any such street, avenue, alley, park, or other place, provided such dog shall wear a good and substantial collar having attached thereto the metal tag hereinafter provided.

667. Every owner, possessor, or person who harbors or keeps any dog within the limits of the city shall, annually, and within thirty days after the first day of May in each year, pay to the city clerk the sum of one dollar for every male dog, and the sum of two dollars for every female dog, and cause such dog to be registered in the office of the city clerk, in a book to be kept for that purpose; and also obtain from such clerk the metal tag hereinafter required.

668. The city clerk shall provide, each and every year, such number of metal tags as may be necessary, of such size and shape as he shall deem expedient (the shape to be changed each year), having stamped thereon numbers indicating the year for which the tax is paid, and the letters C. D. T.; and it shall be the duty of the city clerk to deliver one of such metal tags to the person so paying a tax upon any such dog.

669. Every dog so licensed shall have a collar around his neck with the metal tag aforesaid securely fastened to it.

670. All dogs found loose or at large, without a collar, shall be seized, captured and delivered by such persons as the marshal shall designate, at a place to be provided and indicated by him, where such animals, if not within six days thereafter claimed and redeemed by the owner, or some other person, shall be disposed of in such manner as the marshal shall designate.

671. The city marshal is hereby authorized to take such measures as he may deem most efficient to carry into effect the provisions of this article; and, if it shall be found necessary, he may designate one or more persons in each division of the city, who shall have special police powers for that purpose.

672. The provisions of this article shall not apply to dogs owned by non-residents, in remaining temporarily, or in passing through this city.

673. No person shall hinder or molest any person or persons so appointed by the marshal while engaged in seizing or capturing and delivering any such dog, as aforesaid, or any other person engaged in the performance of any duty enjoined by the provisions of this article under a penalty of not less than five nor more than one hundred dollars for every offense.

674. It shall be the duty of the city marshal, his assistants, and of all policemen in the city of Monmouth, to take up and impound in any city pound in which cattle are authorized to be impounded, if no other place shall have been designated, any dog found in the city of Monmouth not having a collar around its neck with the metal tag aforesaid attached thereto, and if such dog shall not be redeemed, as hereinafter provided, within six days after such dog shall have been impounded, it shall be the duty of the city marshal to dispose of said dog as the marshal may see fit.

675. The marshal is authorized to collect the amount of the tax due upon impounded dogs, and also twenty cents for every day such dog shall be impounded, and he shall keep a register of such dogs, and shall account to the city clerk at the close of each month for the money so collected.

676. Any person or persons who shall violate, or fail, or neglect, or refuse to comply with any of the foregoing provisions of this article, where no other penalty is prescribed, shall be liable to a penalty of not less than five nor more than fifty dollars for each offense.

Article IX.

DRAINS.

677. Any person or persons, or corporation, desiring to connect with any drain laid, or hereafter to be laid, and controlled by the city, for the purpose of draining any cellar, well or cistern, may apply to the superintendent of streets for permission, which permission shall be granted in writing, upon the payment of five dollars by the party applying.

678. Any person or persons, or corporation, to whom such permission is granted, shall apply to the city engineer for specifications as to such drain connections, and shall be subject to the orders of said engineer, under whose control and supervission all such connections shall be made, and shall pay all charges made by said engineer therefor.

679 No such connecting drain, when laid, shall be used for carrying off slops of any kind, or soap suds, nor for any other purpose than

the drainage of cellars and carrying off waste water from cisterns or wells; and such connecting drain shall be provided with a screen or strainer, to be attached by direction of the city engineer.

680. Any person or persons, or corporation, who shall make connections with any such drain without complying with the provisions of this article, or who shall in any manner interfere with, damage, or destroy any city drain or any connecting drain laid in accordance with the provisions of this article, shall be liable to a penalty of not less than five dollars nor more than fifty dollars.

Article X.

Elections—Contest—How Conducted.

681. The election of any alderman may be contested by any elector of the city, and the proceedings shall be in accordance with the general laws of this state regulating the mode of contesting the elections of county officers, so far as the same may be applicable.

682. The city council shall be the tribunal before which such contest shall be heard, and their decision shall be final.

683. When any person shall desire to contest the right of another to hold the office of alderman, to which such person claims the right, he shall, within thirty days after the election, file with the city clerk a statement in writing, briefly setting forth the points on which he will contest the election, which statement shall be verified by affidavit.

684. Upon filing such statement, said contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case he is absent, or cannot be found, then by leaving a copy of said statement at contestee's usual place of residence.

685. Whenever said statement shall have been filed and served as aforesaid, it shall be the duty of the city council, upon the application of either party, to fix the time and place for taking the depositions of witnesses, when either party may proceed to take the testimony of any witness, in the manner and as provided for taking depositions to be used in cases in chancery, before any judge, justice of the peace, master in chancery, or notary public, at the time and place so fixed, and continue the same from day to day thereafter until all the testimony shall have been taken.

686. In all cases of contested elections, the proofs shall be taken and filed with the city clerk as hereinafter provided, within thirty days from the day fixed by the city council for taking the same: *Provided*, that the council may, from time to time, upon sufficient cause shown, extend the time for taking and filing said proofs.

687. No testimony shall be taken or produced on the hearing

before the city council, except upon the points set forth in the said statement required to be filed with the city clerk and served upon the respondent.

688. When all the evidence shall have been taken, the same shall be filed forthwith with the city clerk, who shall immediately lay the same before the city council, and the council shall, without delay, refer the same to some appropriate committee to investigate and report upon; and upon such report being made, the council shall decide the same according to the right of the matter, and shall declare as elected the person who shall appear by the evidence to have been elected. The council may require all the testimony and proofs taken to be read in open council.

689. Whenever it shall appear in any case that the person receiving the highest number of votes is ineligible to the office because of any legal disqualification it shall, for that reason, be the duty of the city council to declare said election null and void, and immediately call a special election to fill said office.

690. In all cases of contested election the parties shall have the right to have the package or packages of ballots which have been returned to the city clerk, as required by law, opened in the presence of a committee of the council, and of the person having the custody thereof, and to have said ballots counted, or the same may be brought into open council, and then and there counted by a committee of three persons appointed for that purpose.

Article XI.

Firearms, Fireworks and Cannons.

691. No person shall fire or discharge any gun, pistol, fowling-piece, or other firearm within the corporate limits of the city of Monmouth, except it be done in case of necessity, or in the performance of a lawful duty, under the penalty of not less than two dollars for each offense.

692. No person shall fire, discharge, or set off within the limits of the city of Monmouth, any rocket, cracker, torpedo, squib, or other fireworks or thing containing any substance of an explosive nature, under the penalty of ten dollars for each offense: *Provided*, that the mayor may by proclamation permit the use and sale of fireworks on the fourth day of July, and on such other day or days as he in his discretion may deem proper.

693. No cannon or piece of artillery shall be discharged or fired off in any street, avenue, alley, park, or place within the corporate limits of the city without a written permission from the mayor, under a penalty of twenty-five dollars for every offense.

694. No person shall sell within the limits of the city any rockets,

crackers, squibs, or other fireworks containing any combustible or explosive material, under the penalty of not less than five dollars for each offense: *Provided*, that this section shall not apply to the sale of imported fireworks in their original packages.

695. The mayor may grant written permits to such persons as he shall deem proper for the sale of fireworks on the fourth of July, and such other days as he may see fit. Such permits shall designate the place of such sale.

Article XII.

FLAGS AND DECORATIONS AT THE CITY HALL.

696. All power and authority to display flags or other decorations on, in, or about the city hall, or other public buildings belonging to the city, are hereby vested in the mayor, unless the city council shall otherwise direct.

Article XIII.

FIRE LIMITS, BUILDINGS, ETC.

697. All that portion of said city described as follows, to-wit: Blocks six (6), seven (7), ten (10), eleven (11), twelve (12), nineteen (19), twenty (20), twenty-one (21), twenty-four (24), twenty-five (25) and twenty-six (26) of the original plat of the town of Monmouth, shall be known as the fire limits of said city.

698. No building or structure of any kind or description shall be erected or constructed within the fire limits of the city, except in the manner and as hereinafter provided in this article.

699. Before any person shall hereafter erect, or cause to be erected, any building within the said fire limits he shall first make a written application to the fire marshal for a building permit, in which application he shall specify the nature, location, materials and dimensions of the proposed building. In case it appears from the specifications in such application that the proposed building is within the provisions of this article, the fire marshal shall grant the building permit.

700. All outside and party walls shall be of stone, brick, or other fire-proof materials. All joists, beams, or other timber in outside walls, and all wooden lintels and plate pieces shall recede from the outer surface of the wall at least four inches. All end and party walls, when the buildings are connected, shall extend above the sheeting of the roof at least seven inches, or three courses of brick, and in no case shall the plank or shetting of any roof extend across any party or end wall.

701. No chimney shall be built with less than four-inch walls, and no chimney top shall be less than five feet above the roof (for flat roof), and two feet above the ridge of any pitched roof; flues in busi-

ness buildings shall have four-inch walls and eight-inch jambs; no joists or timbers in any building shall rest in, upon, or against the walls of any chimney.

702. No wooden building within the said limits shall be repaired further than to make good ordinary and natural deterioration nor enlarged, nor added to, nor shall any wooden building, whether within or without said fire limits, be removed to any other place within the same without permission.

703. All smoke-houses and places for the deposit of ashes, within or without the said fire limits, shall be of stone, brick or other fire proof material.

704. Sheds not exceeding 12 feet in height from the ground at the highest parts thereof, and not exceeding 75 feet area, and privies may be constructed of wood; such sheds and privies shall be separate structures, and sheds shall not be located on the front part of any lot, nor shall they be used as a dwelling, or for any business purpose whatever.

705. Shelter sheds may be constructed having incombustible roofing not over twenty feet high from the ground to the highest point of roof, the roof to be supported on sufficient posts or piers. Such sheds shall have no enclosing walls or wooden floors.

706. All owners of buildings or parts of buildings erected or repaired, within the said limits in violation of the provisions of this ordinance, and all persons aiding or assisting in the erection or repair of such buildings or parts of buildings, shall be subject to a penalty of not less than twenty dollars, and not more than one hundred dollars.

707. No shingle or wooden roofs of any kind shall be placed upon any building hereafter to be constructed, rebuilt, or repaired within the "fire limits" of the city, and no such shingle or wooden roof of any kind within said fire limits shall be repaired further than to make good ordinary and natural deterioration, nor enlarged, nor added to; but all roofs constructed within said "fire limits" shall be constructed of iron, slate or other fire-proof materials.

708. No person shall, within the fire limits, build any stack of hay, straw, oats, or wheat, or corn-fodder, or mow away any of the same in any shed or sheds having one or more of the sides thereof open.

709. Whenever any frame building shall have become damaged by fire or decay, the extent of which, in the judgment of the fire marshal, exceeds fifty per cent. of the value of such building, if the owner of such building objects to the conclusion arrived at by said marshal, he or they may file with the marshal a petition asking for the ap-

pointment of arbitrators to determine the question of damage; or if the fire marshal should conclude that the damage is less than fifty per cent., then and in that case the owners of adjacent property to such damaged building may claim an arbitration to ascertain the damage to such building; in either case the party asking for arbitration shall pay twelve dollars to the marshal on filing his petition, which shall be in full of costs of such arbitration. The arbitration to consist of three disinterested persons, one to be chosen by the marshal and one by the party filing the petition, and the two thus chosen shall select a third, and the decision of a majority of the persons so selected shall be final and conclusive.

710. Arbitrators selected to ascertain such extent of damages, before entering upon their work, shall make and subscribe an oath before any officer authorized to administer oaths, that they will make a thorough examination of the premises damaged as aforesaid, and make a just and true report as to the amount and extent of such damage, the report to be signed in duplicate, the original to be handed to the fire marshal, the duplicate to be given to the owner of the premises in question.

711. Whenever such building shall be adjudged by such arbitrators to have been damaged by fire, or decay, to the extent of fifty per cent. of its value, such building shall be condemned by the fire marshal, and it shall be unlawful, as aforesaid, to repair the same.

712. Whenever the owner, agent or occupant shall refuse or neglect, after five days' notice, to petition for such arbitrament, it shall be lawful for the fire marshal to declare such premises, as set forth in such notice, as having, in his judgment, been damaged by fire or decay to the extent of fifty per cent. of its value.

713. The fire marshal shall be *ex-officio* the inspector of buildings, and shall do and perform all acts and things necessary to have the provisions of this article enforced. He shall keep a register of all building permits granted, and report the same to the city council annually. All notices under the provisions of this article may be served by the city marshal, his deputy, or any police officer.

714. Any person or persons, company, or corporation violating or refusing to comply with the provisions of this article to which a penalty is not otherwise provided, shall be liable to a penalty of not less than ten nor more than one hundred dollars; and also shall be liable to a like additional penalty for every forty-eight hours they shall continue to violate or refuse to comply with the said provisions after receiving proper notice of the same.

715. For the failure, neglect, or refusal to enforce the provisions of this article the fire marshal shall be liable to a penalty of not less than one nor more than twenty-five dollars.

Article XIV.

GAMING.

716. No person or persons shall set up, keep, or maintain, or permit to be set up, kept, or maintained in any house or place within the corporate limits, occupied or controlled by him or them, any E. O., A. B. C., rolly-pooly, keno, poker, or faro-table, faro-bank, roulette, or other instrument, device, or thing for the purpose of gaming, or with which money, liquor, or anything of value shall in any manner be played for, under the penalty of not less than one hundred dollars for each and every offense.

717. No person shall deal, play, or engage in faro, roulette, or any other device or game of chance, hazard, or address, either as banker, dealer, player, or otherwise, for the purpose of gaming, anywhere within the limits of the city of Monmouth, under the penalty of not less than ten dollars for each and every offense.

718. It shall be the duty of all members of the police force to give information to the mayor, of each house or other place within the city, wherein such games or devices, or tables or other instruments or things for the purpose of gaming are, or may be set up, kept or maintained, and said police officers shall take all lawful means to suppress and prevent the playing at the tables, games or devices aforesaid, and for this purpose, when and as often as any one of them shall have reasonable cause to suspect that any such table, game or device is set up, kept or maintained as aforesaid, he shall forthwith make complaint thereof before some justice of the peace, and obtain a warrant authorizing him to enter such house, houses, or place or any room within the same; and said police officer shall thereupon have authority to demand entry therein, and any person or persons who shall refuse or neglect to open the door or entrance to such house, houses or place or any room within the same, upon application of any police officer having such warrant, shall forfeit and pay a fine of not less than twenty-five dollars for each and every offense.

719. No person shall bring into the city of Monmouth, or have in his, her or their possession in the said city, for the purpose of gaming, any table, thing or device of any kind or nature, whereon or with which money or any other thing of value may in any manner be played for, under the penalty of not less than twenty-five dollars for each and every offense.

720. It shall be unlawful for the owner or tenant of any building, room or tenement in said city, to permit any games prohibited in this article, to be played or carried on at, or within any premises or room, house or tenement in his possession under a penalty of not less than fifty dollars for each offense, and a like additional penalty for every game permitted on such premises after being notified by any police officer.

721. Any person who is a frequenter, visitor, inmate, door-keep-

er, solicitor, runner, agent, abettor or pimp of or for any house, store, grocery, hall, room or any other place where are kept any E. O. tables, keno table, faro bank, shuffle board, bagatelle, playing cards, pigeonholes or any other instrument, device or thing used for gambling, whereon or with which money, liquor or other articles shall be played for, shall for each offense be fined in a sum not less than five dollars and not exceeding one hundred dollars.

722. It is hereby made the duty of the city marshal, his deputy, and every member of the police force to seize any table, instrument, device or thing used for the purpose of gaming; and all such tables, instruments, devices or things shall be destroyed. Any person or persons obstructing or resisting any member of the police force in the performance of any act authorized by this section, shall be subject to a fine of not less than ten dollars for each offense.

Article XV.

GASOLINE, NAPTHA, ETC.

723. It shall be unlawful for any person or persons, either by himself or themselves, or by another as agent, servant, clerk, or subordinate, within the fire limits of the city of Monmouth, to store or keep in store at any time in any one building or cellar more than five barrels of kerosene or more than one barrel of naptha, gasoline, or benzine, except by the consent of the city council as hereinafter provided; and any person or persons who shall store or keep in store any or either of the above fluids in violation of the foregoing shall be fined in any sum not less than twenty nor more than one hundred dollars for each offense; and it is hereby made the duty of the city marshal, and all the policemen of said city, to use every effort on his or their part to enforce this article.

724. Benzine, benzole, or naptha, kept for retail, shall be sold by daylight only, and shall be kept in a tin can, or other metal vessel. Kerosene may be retailed at night. In such case, however, the cask from which it is drawn must be at least ten feet from any light.

725. None of the fluids or substances named, referred to or contemplated in the foregoing section, shall be kept or stored in front of any building or structure, or under any street, alley, or sidewalk, for a longer period than is sufficient for receiving the same for storage or for delivery, such time not to exceed six hours.

726. None of said fluids or substances referred to in this article shall be stored or kept under any sidewalk in said city unless the person desiring to store the same in such place shall obtain a permit to do so from the city council.

727. Any person wishing to store, or to erect or use a building to store more than five barrels of said oils, or inflammable substances in any one place, or who shall wish to keep or sell said oils or sub-

stances different from the manner allowed herein shall make application to the city council, and in such application shall state the grounds or reason for such application, and the council shall take such action as it may deem wise and prudent.

728. Any person violating any of the provisions of this article shall, on conviction thereof, be fined in a sum not exceeding fifty dollars and costs for each and every offense; and every day that any of said oils or substances are kept or stored contrary to the provisions of this article shall be deemed a new and distinct offense. It is hereby made the duty of the city marshal, the fire marshal and all police officers to see that the provisions of this article are enforced.

Article XVI.

GRADES.

729. The grade of the public square of the city of Monmouth is hereby established on a grade indicated by large stones as follows, to-wit: One in the center of the square with a cross cut on the top of the same, the center of the cross being the exact center of the square, and the top of said stone being a bench mark for the grade of the public square, and for all sewers on and from the same; also one in each corner of the square sixteen feet each way from the outer line of the square; also one in the center of each street leading from the square, with a slot on the top, the slot on each stone indicating the center of the street, and the outer edge of each stone indicating the outer line of the square.

730. The sidewalks of the public square shall be sixteen feet wide and be not more than twelve inches above the established grade of the square; and the sidewalks upon the streets leading therefrom shall begin on a level with the sidewalks of the square, and shall not ascend or descend more than six inches in fifteen feet in any direction.

731. The grade of the sidewalks on South Main street from Warren street south to South street, shall begin on a level with the grades of the sidewalks at the northeast and northwest corners of Main and Warren streets, and continue thence to South street on an ascending grade of thirty-five one-hundredths (35-100) of a foot in every fifty (50) feet.

732. The grade of the sidewalks on East Broadway, from the public square east to Water street, shall begin at a point eleven (11) inches above the top of the stone set as a bench mark in the center of East Broadway at its intersection with the public square, and continue thence to Water street on a descending grade of eight (8) inches to every one hundred (100) feet, thence east on the north side of Broadway in front of block thirteen (13) on a descending grade seventy-eight one-hundredths (78-100) of a foot in every fifty (50) feet, thence east to where the slough crosses the south line of block fifteen

(15) on a descending grade of one and seventy-five one-hundredths (1 75-100) of a foot in every fifty (50) feet, thence east to the corner of Broadway and Spring streets on an ascending grade of seventy-eight one-hundredths (78-100) of a foot in every fifty (50) feet.

733. The grade of the sidewalk on the south side of Broadway, in front of block seventeen (17), old town plat, shall begin at the southwest corner of Broadway and Spring streets on a level with the sidewalks at northwest corner of said streets, and continue thence west to where the slough crosses the north line of said block seventeen (17) on a descending grade of ninety one-hundredths (90-100) of a foot in every fifty (50) feet, thence west on an ascending grade of one and seventy-five one-hundredths (1 75-100) of a foot in every fifty (50) feet.

734. The grade of the sidewalks on Market Alley shall commence seven (7) inches above the top of the stone set as a bench mark in the southeast corner of the public square, and continue thence to East street on such a uniformly descending grade as will cause them to intersect said East street at a point eight (8) inches below the place of beginning.

735. The grade of the sidewalk on the east side of Water street from Broadway south to Warren street, shall begin on a level with the sidewalk on Broadway, at the intersection of Broadway and Water street, and continue thence south to Garden street on a descending grade of two and thirty one-hundreths (2 30-100 feet in every fifty (50) feet; thence south on a level grade to where the slough crosses the east line of block twenty-six (26); thence south to Warren street on such a uniformly ascending grade as will cause it to intersect Warren street at a point three (3) feet above the level of the sidewalk at the crossing of said slough.

736. The grade of the sidewalk on the north side of Garden street in front of block nineteen (19), old town plat, shall begin on a level with the sidewalk on Water street at the southeast corner of said block nineteen (19), and continue thence west to East street on an ascending grade of two (2) feet in every fifty (50) feet.

737. The grade of the sidewalks on West Avenue, from its intersection with Broadway south to South street, shall commence on a level with the sidewalk on the south side of West Broadway, and continue thence to South street, on an ascending grade of three-tenths (3-10) of a foot to every fifty (50) feet.

738. Nothing herein contained shall be construed to confer any power on any party, person, or firm to fill streets or raise the grade of sidewalks in front of their own or any other premises, until such streets have by the city council been ordered filled to grade; the true intent and meaning of this article being to fix and determine the

grade for streets or portions of streets to which it refers, but not to order them or any of them filled up to the grade.

Article XVII.

GUNPOWDER.

739. No person, firm or corporation, shall have or keep at his, their, or its place of business, or elsewhere within the city, or within one mile of the limits thereof, a greater quantity of gunpowder or gun-cotton than fifty pounds at one time, and the same shall then be kept in tin canisters, or cases, containing not to exceed thirty pounds each, and in a situation remote from fires, lighted lamps, candles, gas or other inflammable matter, from which the same may be easily removed in cases of fire.

740 No person shall sell or weigh any gunpowder or gun-cotton after the lighting of lamps in the evening unless in sealed canisters or cases.

Article XVIII.

HEALTH.

741. No person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise.

742. No person shall draw off or allow to run off into any ground, street, or place in said city, the contents (or any part thereof) of any vault, privy, cesspool, or sink; nor shall any owner, tenant, or occupant of any building to which any vault, sink, privy, or cesspool shall appertain or be attached, permit the contents or any part thereof to flow therefrom, or to rise within two feet of any part of the top, or said contents to become offensive; and when covered with dirt shall be covered with at least two feet of the same.

743. No person shall throw into or deposit in any vault, sink, privy, or cesspool any offal, meat, fish, garbage, or other substance, except that of which any such place is the appropriate receptacle; nor shall any slops or kitchen waste be permitted to run into any privy or cesspool.

744. Neither the contents of any receptacle, cesspool, privy, vault, sink, or water-closet, cistern, nor anything in any room, excavation, vat, building, premises or place, shall be allowed to become a nuisance or offensive so as to be dangerous or prejudicial to health.

745. No person shall deposit upon any street or public place within the limits of the city of Monmouth, or upon any paved street, any dirt or brick or other material or dirt taken from any ground therein in such manner as to obstruct the free flowage along any gutter.

746. No part of the contents of, or substances from any sink, privy, or cesspool, nor any refuse or waste, or thing which by its decomposition, could, or would become offensive to human beings, or detrimental to the health, or create, or tend to create a nuisance, shall be by any person thrown, deposited or placed upon any street or public place, nor upon any vacant lot of land or vacant place upon the surface of any lot of land in the city of Monmouth, whether such lot be inclosed or otherwise, without the written permission of the health officer, nor shall any of said substances be allowed by any person to run or drop from the premises occupied by such person, into or upon any street or public place, nor upon any vacant lot of land, or vacant place upon the surface of any lot of land in said city.

747. Any person who shall hereafter construct, or cause to be constructed, any privy or privy vault in the city, shall place the same so that it shall be distant, at least two feet from the line of the adjoining lot, (unless the owner of the adjoining lot shall agree that it be placed nearer) and the same distance from the line of any alley, nor upon or across any running stream of water within said city. Such privy vaults shall be not less than four feet in depth, and shall be securely and substantially walled. All privy vaults shall be so constructed as to be easily cleaned.

748. When any noxious or offensive odors are emitted from any privy, which may affect the health or the comfort of the neighborhood, it shall be the duty of the owner, his agent, or the occupant of the premises, to disinfect said privy without delay, and to cleanse it, so as to prevent a recurrence of such odors. The marshal or the health officer of the city, may, upon complaint being made to him, order the owner, his agent, or the tenant, to disinfect and cleanse the said privy forthwith. If such order is not complied with within twenty-four hours, the officer shall proceed to have the said privy disinfected or cleaned, and the owner, or the tenant, or both, when the order has been given to both, shall be liable for all the expenses thereby incurred, and a civil action may be instituted for the recovery of such expenses. In addition thereto, such person or persons shall be liable to a fine for a violation of this ordinance.

749. No meat, fish, birds or fowl, or vegetables, nor any milk, not being then healty, fresh, sound, wholesome and safe for human food, nor any meat or fish that died by disease or accident, shall be brought within said city, or offered or held for sale in any public or private market as such food anywhere in said city.

750. No calf, pig or lamb, or the meat thereof, shall be brought, held, or offered for sale as food in said city, which at the date of its death (being a calf) was less than eight weeks old; or (being a pig) was when killed less than five weeks old; or (being a lamb) was when killed less than eight weeks.

751. No cattle shall be killed for human food while in an overheated, feverish, or diseased condition; nor shall any decayed or unwholesome vegetables be brought into said city to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

752. No cased, blown, plaited, impure, or unhealthy or unwholesome meat or fish, bird, or fowl shall be held, bought, or sold or offered for sale for human food, or held or kept in any market, public or private, or any public place in said city.

753. No meat, fish, vegetables, or milk, or unwholesome liquid shall knowingly be bought, sold, held, offered for sale, labelled, or any representation made in any respect thereof under a false name or quality, or being what the same is not as respects wholesomeness, soundness, or safety for food or drink.

754. No person shall have at any place where milk, butter, or cheese is kept for sale, nor shall at any place sell or deliver or offer or have for sale or keep for use, nor shall any person bring or send to said city any unwholesome, skimmed, watered, or adulterated milk, or milk known as "swill milk," or milk from cows or other animals that for the most part have been kept in stables or that have been fed on swill, or milk from sick or diseased cows or other animals, or any butter or cheese made from any such milk or any unwholesome butter or cheese.

755. No cattle shall be kept in any place of which the water, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition and wholesomeness of food.

756. Every person shall cause every stable and place where any cows, horses, or other animals may be kept by them, to be kept at all times in clean and wholesome condition, and shall not allow any animal to be therein while infected with any disease, contagious or pestilential among such animals, without a permit from the health officer.

757. The slaughtering of cattle shall not be permitted or conducted at any place in the city of Monmouth without a special permit from the city council.

758. No person shall hereafter erect, start, or establish in said city, without the consent of the city council, any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent or alcoholic spirits, or for making any lampblack, turpentine or tar, or for conducting any other business that will or does generate any unwholesome, offensive, or deleterious gas, smoke, deposit or exhalation, or any business that is or would be dangerous to life or detrimental to health.

759. No person shall leave in or throw into any place or street

or public water, or offensively expose or bury the body (or any part thereof) of any dead or fatally sick or injured animal; nor shall any person keep any dead animal, or any offensive meat, bird, fowl or fish in a place where the same may be dangerous to the life, or detrimental to the health of any person.

760. Any person having a dead animal or an animal past recovery, and not killed for and proper for use as meat or fish, or in an offensive condition, or sick with an infectious or contagious disease on his premises in said city, and every person whose animal, or any animal in his charge or under his control in any street or place, may die or become or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place; and when such place may be designated by the city council, to the place so designated.

761. Every person having within his possession or control or upon any premises occupied or owned by him, any dead animal not proper for food and liable to become noxious and detrimental to health, shall at once give notice thereof to the city marshal, and such officer shall at once cause notice thereof to be given to the department of health.

762. No person shall take, carry, expose, or place or induce any other person so to do, in or upon any street or public place any substance, animal or thing which may imperil the health of any person who is or may properly be in such street or place.

763. No person owning or occupying any building or premises shall use the same, or permit the use of the same, or rent the same to be used for any business or employment, or for any purpose of pleasure or recreation, if such use shall, from its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises are situated, or be dangerous or detrimental to health.

764. No person shall bring into the city, or keep therein for sale or otherwise, either for food or for any other purpose or purposes whatever, any animal, dead or alive, matter, substance or things which shall be or which shall occasion a nuisance in said city, or which may or shall be dangerous or detrimental to health.

765. No building, vehicle, structure, receptacle or thing used or to be used for any purpose whatever, shall be made, used, kept, maintained or operated in the city, if the use, keeping, maintaining or operating of such building, vehicle, structure, receptacle or thing shall be the occasion of any nuisance, or dangerous or detrimental to health.

766. No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be permitted to exist in connection with any permitted business, or be used there-

in or to exist in connection therewith, or be used in any work or labor carried on or prosecuted in the city, and no nuisance shall be permitted to exist in connection with any such work or labor.

767. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of this article, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the department of health, or who omits, neglects, or refuses to comply with, or who resists any officer or order or special regulation of said department of health shall, upon conviction, be subject to a fine of not exceeding two hundred dollars, nor less than two dollars for each offense.

Article XIX.

HORSES.

768. No person shall ride or drive any horse or horses or other animal along or through any street within the limits of the city, at an unreasonable rate of speed, nor so as to endanger the safety of any person; and for each and every violation of any of the provisions of this section any person shall be liable to a penalty of not less than three nor more than twenty-five dollars.

769. No person upon turning the corner of any street or crossing the intersection of any street in the city of Monmouth, shall ride or drive any horse or horses or other animal with greater speed than at the rate of four miles an hour, under the penalty of five dollars for each offense.

770. No horse shall be suffered or permitted to go loose or at large in any of the streets in the city of Monmouth under the penalty of two dollars for every such offense, to be paid by the owner or person having the care, charge, or keeping thereof severally and respectively.

771. No person shall suffer or permit to go, or lead, or ride or drive any horse upon any sidewalk in the city of Monmouth under the penalty of two dollars for each offense, to be paid by the owner or person having the care, charge, or keeping thereof severally and respectively.

772. No person shall run or race any horse in any public street, road, or avenue in the city of Monmouth, nor shall consent to or suffer such racing under the penalty of ten dollars, to be recovered from the person or persons who shall so race, or suffer or permit such racing, and the owner, rider and the person having charge of any animal which shall so race and run severally and respectively.

773. The last preceding section of this article shall be construed to prevent and punish the running, racing, or trotting of any horse

or horses for any trial of speed, or for the purpose of passing any other horse or horses, whether the same be founded upon any stake, bet, or otherwise.

774. No person shall drive any horse before a sleigh through any of the public streets or avenues of this city, unless there shall be a sufficient number of bells attached to the harness of such horse and sleigh to warn persons of his approach, under the penalty of two dollars for each offense, to be paid by the driver, owner, or person having the care, charge, or keeping thereof severally and respectively.

775. No person shall leave any horse, horses, or other animal attached to any carriage, wagon, cart, sleigh, sled, or other vehicle in any part of the streets, avenues, alleys, or lanes of this city without securely fastening such horse, horses, or other animal, under a penalty for each offense of not less than two dollars.

776. No person shall keep, retain, or allow or employ to be kept or retained at any place within the city, any horse, ass, or colt having the disease known as glanders or farcy.

777. Any person violating any of the provisions of this article, for which no penalty is otherwise provided, shall be liable to a penalty of not less than three nor more than fifty dollars for each offense.

Article XX.

ICE.

778. No person shall sell or offer or expose for sale any impure ice within the limits of the city; and all ice sold, offered, or exposed for sale shall be sold by avoirdupois weight, except in such cases where it may be otherwise agreed upon between the buyer and the seller.

779. All sellers of ice at the time of the delivery thereof shall be provided with a suitable steelyard, balance, or other apparatus for weighing, duly adjusted and sealed by the sealer of weights and measures, with which to weigh the quantity of ice sold, if required by the buyer.

780. It shall not be lawful for the owner or driver of any wagon used for the sale of ice in any of the streets, avenues, or public places in the city of Monmouth to permit or allow the scale, balance, steelyard, or other apparatus thereon, or the beam to which it may be attached, or other implements for handling ice, to project or hang outside or beyond the side or end of such wagon when in motion.

781. Any person violating any provision of this article shall be subject to the penalty of not less than five dollars for each offense.

Article XXI.

JUSTICES OF THE PEACE.

782. The several justices of the peace of the city of Monmouth shall keep a full and complete docket of all city cases commenced, tried and disposed of before them, as well as all city cases which may come before them by a change of venue from police courts or otherwise, and note upon said docket so kept what disposition is made as to fines and forfeitures, or steps taken in each and every case.

783. The said several justices of the peace shall make, as often as required, not less than thrice in each year, upon blanks to be furnished them, reports to the city clerk, of all cases, fines and forfeitures for the violation of ordinances imposed, collected and paid to them, or execution issued during said month with the name of the defendant, number of the execution, amount of the fine, fees and forfeitures collected, or otherwise disposed of.

784. The said several justices of the peace at the date of making their said report to the city clerk as directed, shall pay into the city treasury all fines and forfeitures for the violation of city ordinances when collected, and all other moneys collected by them for the use of the city, save and except their proper costs and charges.

Article XXII.

LAMPS.

785. No person, unless authorized by the respective contractors for lighting the streets, shall at any time light or extinguish or cause to be lighted or extinguished any public lamp which such contractor is or shall be required to light, under contract made with the city, under the penalty of five dollars for each offense; and any and every such contractor shall be liable to a like fine of two dollars for willfully neglecting to light any lamp according to contract.

786. Any person who shall carelessly or maliciously break, deface or in any way injure or destroy any public lamp or lamp post in this city, or climb upon, or hitch any horse or other animal to any public lamp post, or hang or place any goods or merchandise thereon, or place any goods, boxes, wood or any other heavy material upon or against the same, shall be liable to a penalty of five dollars for each offense.

Article XXIII.

LICENSES.

787. All licenses issued by virtue of this or any other ordinance shall be made out by the city clerk, and signed by him and the mayor under the seal of the city, and countersigned by the city treasurer; upon such treasurer receiving from the applicant the amount to be paid for such licenses, and the clerk shall charge the amount thereof to the city treasurer.

788. All licenses shall be subject to the ordinances and regulations which may be in force at the time of issuing thereof, or which may subsequently be made by the city council; and if any person so licensed shall violate any of the provisions aforesaid he shall be liable to be proceeded against for any fine or penalty imposed thereby, and his license may be revoked in the discretion of the mayor or city council.

789. No license granted under this ordinance shall be assignable or transferable, without the consent of the city council, nor shall any license authorize any person to do business or act under it but the person named therein, except as is in this ordinance otherwise provided.

790. No license shall be granted for a longer period than one year, and every license shall expire on the first day of April next following. Every license shall be signed by the mayor and countersigned by the clerk under the corporate seal.

791. In all cases, where it it is not otherwise expressly provided, the mayor shall have power to hear and grant applications for licenses upon the terms specified by this ordinance; and all licenses shall be issued to such person or persons as shall comply in all respects with the provisions of this ordinance, and as the mayor in his discretion shall deem suitable and proper persons to be licensed.

792. The city treasurer shall receipt for all moneys for any licenses that may be granted under the authority of said city upon any account whatever; his receipt shall be a discharge to the person to whom given, to the extent and purport thereof, but no person shall be deemed to be licensed in any case until the issuing of the license in due form as herein required.

793. Whenever it shall appear from the license register kept by the clerk, or the books of the treasurer, that any person holding any license or permit of any kind or privilege granted by the city, has failed to pay the amount due thereon or other kind of penalty, license, fine, debt, or liability whatever, the clerk or treasurer, as the case may be, shall report the fact to the mayor, whose duty it shall be promptly to revoke said license, permit, or privilege.

Article XXIV.

LICENSED GAMES.

794. No person or persons shall set up, keep, or cause to be kept by his or their agent or servant any shooting gallery, nine-pin, ten-pin, or other bowling alley, billiard, bagatelle, pool, or other kind of table or place whatever, on or at which games of skill or chance are played, and for the use of which, or privilege of playing thereon or

thereat, any money or its equivalent shall be required, paid, or received, without first obtaining a license therefor in accordance with the provisions of this article.

795. All applications for any license provided for by this article shall be made to the council. Such application shall give the name of the applicant, the kind of license desired, and shall specify particularly the place where the thing, for which license is asked, is to be kept and used. The city council may grant or reject the application in its discretion.

796. If the council grant the application so made to it the applicant for such license shall thereupon pay to the city treasurer the sum required for such license, who shall give a duplicate receipt therefor, one of which receipts shall be presented to the mayor, who shall thereupon direct a license to issue to the party. Such license shall give the name of the party to whom, and the purpose for which it is granted, the time of its continuance, and a particular description of the place where the thing licensed is to be kept or used. In all these particulars the license shall correspond with the application for such license. Such license shall not be assigned, nor shall the place where it is to be operated be changed, without the assent of the council.

797. The fee for the license required in section 794 shall be as follows:

For each billiard table twenty dollars for one year; for six months fifteen dollars; and no license for billiard tables shall issue for a shorter period than six months. And for the purposes of this article every pool or bagatelle table shall be deemed a billiard table. For each shooting gallery, or bowling alley, the license fee shall be fifty-two dollars per year, and at the same rate for any shorter period, not less than one month, provided that licenses for one week shall not be granted for less than two dollars, nor for one day for less than one dollar, and the owners or keepers of any place where any games of chance or skill are played for gain or hire, and which is not enumerated herein, shall pay an annual license of twenty-five dollars, or for a shorter period at the rate of two dollars per day; but this provision shall not be construed as authorizing the playing of any game of chance or skill for any purpose which is forbidden by the laws of the state of Illinois.

798. It shall be unlawful for any keeper of any billiard room or place where any pool, bagatelle, or billiard table is kept for the purposes described in section 794, his agent or servant to permit any person or persons under the age of eighteen years to play upon or at any such tables, or to frequent, lounge in or about, or be in any such billiard rooms, and any such keeper or owner, his agent or servant guilty of a violation of this section shall, for each offense, be liable to a fine of not less than ten nor more than one hundred dollars.

799. Any such keeper or owner of any such billiard room or

place who shall suffer or permit any drunken or intoxicated person or persons to frequent or be in such billiard room, or permit any such person or persons to play at or upon any tables within such room, or shall suffer or permit any loud or unseemly noises or disturbance of the peace, or any riots, routs, fights, quarrels, or affrays within such place, shall be guilty of a violation of this article, and shall for each offense be liable to a penalty of not less than five nor more than fifty dollars; and it shall be the duty of such keeper or owner, his agent or servant in charge of such room immediately upon any disturbance in such room to notify the city marshal or some police officer and take prompt measures to secure the arrest and conviction of any such person or persons committing any such disturbance or engaging in any riot, routs, quarrel or fight, or any person or persons who may enter such place in a drunken or intoxicated condition, and any such keeper or owner of such billiard room, his agent or servant, who shall refuse or fail to comply with any of the foregoing provisions shall be liable to a penalty of not less than five nor more than ten dollars for each offense.

800. All billiard rooms and shooting galleries, bowling alleys, and places where any of the games described in section 794 are kept, shall be closed each night at an hour not later than twelve o'clock, midnight; nor shall they be opened for custom at an hour earlier than seven o'clock a. m., under a penalty of not less than ten nor more than twenty-five dollars for each offense.

801. No intoxicating liquors of any name or description in any quantity shall be sold or disposed of in any manner, or be drank in, on, or about any billiard room licensed under the provisions of this article, or stairway leading thereto, under a penalty of not less than five nor more than one hundred dollars for each offense and the revoking of the license for such billiard room.

802. The mayor or city council may revoke any license granted under the provisions of this article on proof that any of the provisions herein contained have been flagrantly violated by the owner or keeper of any such billiard room, his agent or servant.

Article XXV.

Meetings of the City Council.

803. The regular meetings of the city council shall be held on the first Monday of each and every month at the city council rooms. The hour of meeting shall be as follows: From the first of May to the first of October, at 7:30 p. m.; from the first of October to the first of May, at 7 p. m., unless otherwise ordered. The same rule at special meetings.

804. Special meetings of the council may be called by the mayor or any three aldermen; notice thereof shall be given each member of the council in writing, stating the time and purpose of the meeting, which notice it shall be the duty of the city marshal to serve.

805. No business shall be transacted at any special meeting of the council except that for which the meeting was called.

806. A majority of aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting, by a written citation to that effect, stating the day and hour of such meeting; such citation shall be signed by the mayor or aldermen issuing the same, and may be served by the city marshal, or any officer authorized to serve processes in said city, by reading the same to such absentee. Any alderman wilfully refusing to obey such citation, shall forfeit twenty dollars ($20), to be deducted out of his salary, or collected by suit in the same manner as other penalties provided in this ordinance, and upon the repeated refusal to obey such citation, such alderman may be expelled, and his office declared vacant.

807. The mayor or the presiding officer in his absence shall enforce good order and decorum during the sessions of the council, and it shall be the duty of all present to respect his orders.

Article XXVI.

MISCELLANEOUS PRACTICES.

808. It shall be unlawful for any person to have in his possession any nippers of the description known as burglar's nippers, pick lock, skeleton key, key to be used with a bit or bits, jimmy, or other burglar's instrument or tool of whatsoever kind or description, unless it be shown that such possession is innocent or for lawful purpose, under the penalty of not less than twenty dollars for each offense.

809. No person shall engage in any game, sport, amusement, or exhibit any machine or show, or any animal, or indulge in any acrobatic feats, or do anything else in the streets, or upon the sidewalks, which shall have a tendency to frighten horses, or collect any crowd of persons so as to interfere with the passage of teams or vehicles, or persons passing along the streets and sidewalks; and any person who shall do any of these things shall be fined not less than three nor more than twenty-five dollars for each and every offense.

810. No person shall wantonly mar, injure, deface, or destroy any fence, guide-post, sign-board, or awning in any street or public place in the city, under the penalty of not less than three dollars for each offense.

811. No person shall throw, cast, or put into, drop, or leave in any street, alley, lane, public place, or any uninclosed public grounds in the city of Monmouth any stone, missiles, nails, ice, glass, iron, or any other metal, or any straw, paper, parings of fruit or vegetables, or any other article or thing, except ashes on unpaved streets or alleys, by which horses, mules, or other quadrupeds shall or may be injured

or endangered, under the penalty of not less than one nor more than twenty-five dollars for each offense.

812. No person shall stop or obstruct the passage of the water of any street, gutter, or public sewer, culvert, water-pipe, hydrant, or water-course within the city, under the penalty of not less than five dollars for each offense.

813. No person shall cut, injure, mark, or deface any public building belonging to the city, or any station-house or engine-house, or any tree, grass or shrub or walk in any square or public park, or any sewer, water-pipe, or hydrant laid or placed by the city, under the penalty of not less than three dollars for each offense.

814. No person shall throw or cast any stone or other missile in, from, or to any street, public place, or inclosed ground, under the penalty of two dollars for each offense.

815. No person shall post, paste, paint, or nail any handbill, sign, poster, advertisement, or notice of any kind upon any private wall, door, gate, or fence without the consent of the owner thereof, under the penalty of not less than three nor more than twenty-five dollars for each offense.

816. No person shall throw, cast, lay, or place on any sidewalk in the city of Monmouth, the rind or peel of any orange, banana, apple, or other fruit, under a penalty of not less than one nor more than five dollars for each offense.

817. No person shall obstruct or encumber any street corner, or other public place of the city by lounging in or about the same; and after being requested to move on by any police officer, the person so offending shall be subject to the penalty of not less than five dollars for each offense.

818. No person shall dig, cut, or remove any sod or earth from any street or other public place within the city without a permit from the street superintendent, or from any premises not his own, without the consent of the owner, under the penalty of not less than five dollars for each offense.

819. All idle persons who not having visible means of support live without lawful employment; all persons habitually idly loitering about or wandering abroad and visiting or staying about groceries, drinking-saloons, houses of bad repute, gambling houses or railroad depots, or lodging in out-houses, market-places, sheds, barns, shops, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets or other public places to beg or receive alms, shall be deemed vagrants, and upon conviction shall be fined in a sum not less than five nor exceeding one hundred dollars.

820. No person shall indecently, or in a manner liable to create a nuisance, exhibit any stud horse or bull, or let any of the same to any mare or cow within the limits of the city; and all such animals kept for service, shall be kept in an inclosed place, out of public view, and not within fifty feet of any public street, nor within the same distance of any dwelling house. Any person violating any provision of this section, shall, for each offense, be liable to a penalty not exceeding one hundred dollars.

821. No person shall keep or maintain, or be an inmate of or in any way connected with, or in any way contribute to the support of any house of ill fame or assignation, under the penalty of not less than ten dollars for each offense, and the further penalty of one hundred dollars for every twenty-four hours such person shall keep or maintain said house after the first conviction, or after any such person shall have been ordered by any member of the police force to discontinue the same.

822. If any person shall appear in a public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, he or she shall be subject to a fine of not less than twenty dollars, nor exceeding one hundred dollars.

823. Every house of ill fame or house of assignation where men and women resort for the purpose of prostitution is hereby declared to be a nuisance.

824. No person shall exhibit, sell or offer to sell or circulate or distribute an indecent or lewd book, picture or other thing whatever of an immoral or scandalous nature, or shall exhibit or perform any indecent, immoral or lewd play or other representation, under the penalty of not less than twenty dollars nor exceeding one hundred dollars.

825. Any person who shall inhumanely, unnecessarily or cruelly beat, injure or overdrive, or otherwise abuse any dumb animal, or overload any team, shall be subject to a fine of not less than five dollars nor exceeding twenty dollars for each offense.

826. No doctor, druggist or other person shall make, sell, put up, prepare or administer any prescription, decoction or medicine under any deceptive or fraudulent name, direction or pretense, under the penalty of not less than ten dollars for each offense.

827. No poisonous medicine, decoction or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use of the same: nor shall any bottle, box, par-

cel or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person to whom the party delivering the same has reason to think intends it for any illegal or improper use or purpose, under the penalty of not less than twenty-five dollars for each offense.

828. In all cases of persons meeting each other in vehicles on any highway or thoroughfare, or upon or near any culvert, each person so meeting, shall in all cases turn on and go to the right side. Whoever shall violate this section shall be subject to a fine of not less than two dollars nor exceeding fifty dollars: *Provided*, this section shall not be construed to apply to any case unless some injury to persons or property shall occur by the drivers of the carriage or wagon refusing to turn to the right, nor to any case where it is impracticable from the nature of the ground for the driver of the carriage or wagon to turn to the right.

829. Any person who shall commit any indecent, lewd or filthy act in any place in the city, or shall utter any lewd or filthy words, or use any threatening or abusive language in the hearing of other persons publicly, or shall make any obscene gesture to or about any other person publicly, shall be deemed a disorderly person, and upon conviction, shall be fined not less than three dollars.

830. Any person who shall disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, shall be subject to a fine not exceeding fifty dollars.

831. No person shall get upon or off, or attempt to get upon or off any locomotive engine, tender, car, or train of cars or any platform or step thereof, while the same or either of them are in motion, without first having obtained from the person or persons in charge thereof express permission so to do. Any violation hereof shall be punished by a fine of not less than two dollars nor more than fifty dollars for each offense.

832. Any person or persons who shall disturb the quiet of the city, or of any lawful assembly of persons whatsoever, or of any locality or neighborhood, family, or person within the city by any loud or unnecessary noise, by blowing horns or other instruments, by ringing bells, or rattling, or making any unnecessary noise with kettles, or other sounding vessels or instruments; by hallooing, shouting, bellowing, howling or screaming; by indecent, or obscene, or profane language or conduct; or by threatening, quarreling, or fighting, or by assaulting, or challenging to fight, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than three nor more than fifty dollars for each offense.

833. Any person keeping or having charge of any house, build-

ing, shop, or place of any description who shall suffer or permit therein any loud and boisterous talk or conversation, or any profane or obscene language, or any species of disorder or tumult, which may alarm or disturb the neighborhood, or persons passing on any public street or highway, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than three dollars for each offense.

834. Any person who shall make, aid, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace in the streets or elsewhere in the city, and all persons who shall collect in bodies or crowds for unlawful purposes or for any purposes to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than one nor exceeding one hundred dollars.

835. It shall be unlawful for any person or persons to catch on, hang upon, or ride upon any sled, or sleigh, or other vehicle, while the same is moving through or along any public street within the city, except with the consent of the owner or driver of such vehicle; and any person or persons violating any of the provisions of this section, shall be liable to a penalty of not less than one nor more than five dollars for each and every offense.

836. It shall not be lawful for any person or persons, bodies corporate or politic, in said city, to keep an office, room or place for the sale or other disposition of lottery tickets; nor shall it be lawful for any person, body, corporate or politic, in said city, to vend, sell, or otherwise dispose of any lottery tickets; nor shall it be lawful for any person or persons, in said city, to sell or dispose of in any manner whatever, any tickets, figures, numbers or characters for any "prize gift," "present," "gift enterprise," "gift distribution," or for anything of the like name or nature, where money or property is directly or indirectly pledged, paid, or to be pledged or paid, for a share or chance, or for any participation in the same, or where numbers, figures, characters, gifts, prizes, presents, or donations are to be drawn, disposed of, or received by any person, in any manner whatever; and every person convicted of a violation of this section shall forfeit and pay not less than five nor more than one hundred dollars for every offense.

837. Whoever in the city shall resist any member of the police force in the discharge of his duty, or shall in any way interfere with or hinder or prevent him from discharging his duty as such member, or shall offer or endeavor to do so, and whoever shall in any manner assist any person in custody of any member of the police force to escape or attempt to escape from such custody, or attempt to rescue any person in custody, shall be fined not less than ten dollars nor more than one hundred dollars.

838. Any person who shall knowingly cause a false alarm of

fire shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than ten dollars for each offense.

839. Any person who shall be found drunk or intoxicated on any street, or other public place in the city, or who shall be found in a drunken sleep on any street, alley, or other public place, or on any private property not his own, nor in the occupancy of the person with whom he lives, and being unable to show the permission of the occupant, shall be deemed guilty of a misdemeanor; and it shall be the duty of any member of the police force to arrest and commit any person so found drunk or intoxicated until he shall have become sober, and then bring him before the police magistrate for trial.

840. If any person or persons within said city shall willfully and maliciously injure or destroy, or attempt to injure or destroy any property real or personal, or any property of any kind of any person or persons, or corporation within said city, any such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than three nor more than one hundred dollars.

841. Any person or persons who shall hereafter knowingly disturb the peace, quiet or good order of society in said city, by any kind of labor (works of necessity and charity excepted), or amusement on the first day of the week, commonly called Sunday, shall on conviction thereof, be fined not less than ten dollars for each and every offense.

842. Any person or persons who shall hereafter, within said city, open or keep open, or attempt to open or keep open, any saloon, billiard room, ball or bowling alley, dram shop, tippling house, drinking saloon, or any disorderly house or any place wherein intoxicating liquors of any kind are sold as a beverage, on the first day of the week, commonly called Sunday, is hereby declared guilty of a misdemeanor, and shall, on conviction, be fined in any sum not less than twenty-five nor more than one hundred dollars, and in case of any violation of this section of this article, it shall be lawful for and it shall be the duty of the city marshal, or any policeman of said city, to forthwith enter upon the premises where any such violation occurs, and arrest the offenders without warrant and commit them to the city prison, there to remain until the next Monday morning until 9 o'clock a. m., to be dealt with according to law, and it shall be lawful and it is made the duty of such city marshal and policemen, or any of them, to close any such saloon, billiard room, ball or bowling alley, dram shop, tippling house, drinking saloon, or other place, and to use the necessary force to keep the same closed until the next Monday morning.

843. Every person who engages or aids in any game, device, trick or scheme designed, or intended to cheat, swindle or defraud any

one out of any money, or other property, or who shall attempt, or aid in attempting, to cheat, swindle, or defraud any one of any money or property, by any game, trick, scheme, or device, or who has in his or her possession in the city, any implement, token, or device, used in any game of chance, sleight of hand, trick or scheme, calculated or intended to cheat, swindle, or defraud any one out of money or property, shall be deemed guilty of a misdemeanor, and be liable to a penalty of not less than five nor exceeding fifty dollars for each offense.

844. Any person who shall be found drunk and disorderly on any public street or other public place in the city shall be liable to a penalty of not less than three dollars for each offense.

845. If any person or persons shall, within said city limits, enter into any lot, fruit or vegetable, or flower garden, or orchard, or field, or vineyard, or close of any person or persons, or corporation without the consent of the owner, with intent to take, seize, or convey away, any fruit, vegetables, flowers, vintage, or other products or things grown or growing therein, every such person, on conviction thereof, shall be fined in any sum not less than three dollars nor more than one hundred dollars, and shall also be required by the police magistrate to pay to the owner all damages done by any such violation of this ordinance, and any person or persons, on sight or immediate pursuit may, without warrant, arrest any person violating this section of this ordinance, and convey any such person before any police magistrate of said city, or deliver any such person to the custody of the city marshal, or any policeman of said city, to be dealt with according to law.

Article XXVII.

NUISANCES.

846. For any person or persons to keep or collect for any purpose whatever within said city of Monmouth, so far as the land is laid off into lots, more than three swine in one pen or inclosure, or to keep such swine adjoining to any public street or avenue, except within twenty rods of the outside railroad track or tracks upon either side of any depot grounds of any depot in said city, where they may be congregated for the purpose of shipment, or in an inclosure over or upon any running stream where such swine can have access to such running stream, shall constitute and is hereby declared a nuisance, and any person or persons creating or permitting said nuisance to exist, and having the right or power to abate the same, shall be subject to a fine of not less than three and not exceeding one hundred dollars in every case, and to a like fine for every day they shall neglect or refuse to abate such nuisance when notified by the mayor or health officer to abate the same.

847. It shall constitute and is hereby declared a nuisance for any person to suffer or permit any cellar, vault, private drain, pool,

sewer, or sink upon any premises belonging to or occupied by him to become naseous, foul, offensive or injurious to the public health. Any person who shall create, suffer, or permit such nuisance to exist shall be subject to a fine of not less than two dollars and not exceeding fifty dollars in every case, and to a like fine for every day the same shall continue after notice to remove and abate such nuisance.

848. All privies, any part of the contents of which are above the surface, or within two feet of the surface of the earth, and all other privies that are foul, emitting smells and odors prejudicial to the public health, are hereby declared nuisances, and the health officer or city marshal shall have power to abate the same.

849. It shall constitute and is hereby declared a nuisance for any person to set or place, or cause to be set or placed, or permit to remain, any goods, wares, merchandise, or other property of any kind on any street, sidewalk, alley or way, for a longer time than two hours; and any person who shall so obstruct the street or sidewalk in front of any store or dwelling with any goods, wares, merchandise, or other property shall, on conviction thereof, for the first offense be punished by a fine of not less than two nor more than fifty dollars.

850. It shall constitute and is hereby declared to be a nuisance for any person or persons, the owner or drivers of any wagon or other vehicle loaded with any dead hog or dead swine or other animals, unless the same have been slaughtered for use as meat, to stop such wagon or vehicle containing any such load or part of a load at or upon any street, avenue, alley, or place within the city of Monmouth, or to unload the contents or any part of such load at or upon any place within the limits of the city of Monmouth, except within or upon cars for immediate shipment; and any person or persons, owner or driver of any such vehicle guilty of a violation of any of the provisions of this section, shall be liable to a penalty of not less than three nor more than one hundred dollars for each and every offense.

851. The congregating of any persons about the doors or windows of the city prison, or county jail of said county, where any person or persons are or shall be imprisoned as a prisoner of the state or city, and talking to, or conversing with any such prisoner, is hereby declared a public nuisance, and any person so offending, on conviction, shall be fined five dollars for each and every offense.

852. In all cases where a nuisance shall be found in any building or upon any ground or other premises within the jurisdiction of the city, twenty-four hours notice may be given in writing, signed by the health officer, or city marshal, to the owner or occupant of such building or other premises where he is known and can be found to remove such nuisance, and in case of his neglect or refusal to abate the same in accordance with such notice, he shall be chargeable with

the expenses which may be incurred in the removal thereof, to be collected by suit or otherwise, in addition to the fine or penalty.

853. In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated, or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of Illinois as nuisances may, in case the same exists within the city limits or within one mile thereof, be treated as such, and proceeded against as is in this article provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

ARTICLE XXVIII.

OFFICERS.

854. All officers appointed by the mayor, with the approval of the city council, whose term of office is not otherwise expressly provided for by law, shall hold their respective offices for the term of one year from the first Monday in May next succeeding the general election for mayor, and until their successors are appointed and qualified.

855. The bonds of all officers shall be executed with one or more sureties, conditioned as provided in this article, and section 4 of article VI of "an act to provide for the incorporation of cities and villages," adopted by the city of Monmouth, April 3, 1882.

856. The execution of such bond shall be acknowledged by the officer and his sureties before some person authorized to take the acknowledgment of deeds, and a certificate of such acknowledgment made thereon; after the approval of the bond by the city council, the city clerk shall indorse thereon the date of its approval and file the same.

857. All official bonds, the amount of which is not otherwise fixed by statute, or this ordinance, shall be in the penal sum of five hundred dollars, unless the council shall determine upon a greater sum.

858. Neither the mayor nor any alderman of said city shall be received or accepted as security on any bond given to the city by any city officer appointed or elected by the city council, nor on any other bond given to said city by any other person for any purpose whatever.

859. The salaries or compensation of all officers and employes of the city, except as otherwise provided in this ordinance, shall be determined and fixed by the city council in the annual appropriation bill or by ordinance.

860. The salaries and pay of all officers and employes shall be monthly to each person entitled thereto, in the manner to be prescribed by the rules and regulations of the department of finance.

861. All officers of the city shall, in addition to the reports by this ordinance required to be made by them, report to the mayor in writing, when required, the condition of their respective offices and of the business and all matters therein touching the interests of the city.

862. Every person having been an officer of the city of Monmouth shall within five days after notification and request deliver to his successor in office all property, books and effects of every description in his possession belonging to the city or appertaining to his said office, under the penalty of not less than fifty dollars.

863. Any city officer, upon whom the duty devolves, is hereby authorized to demand and receive as fees for the use of the city (except where provision is herein made to the contrary):

Administering oath and attesting the same, twenty-five cents.

For certified copies of any record, each one hundred words, twenty-five cents.

For each building permit, one dollar.

For all other written permits, fifty cents.

864. Any officer violating any of the provisions of this article shall be deemed guilty of misconduct in office, and liable to removal from office therefor.

Article XXIX.

ORDINANCES.

865. All ordinances passed by the city council shall be recorded by the clerk in a proper book or books with indexes. The originals shall be filed in the clerk's office, and due proof of the publication of all ordinances requiring publication by the certificate of the printer or publisher shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of such ordinances.

866. In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

867. Whenever in this or in any ordinance hereafter passed, a minimum but no maximum fine or penalty is imposed, the court may in its discretion adjudge the offender or offenders to pay any sum of money exceeding the minimum fine or penalty so fixed, not exceeding the sum of two hundred dollars.

868. When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed

to revive such former ordinance, clause, or provision unless it shall be therein so expressly provided.

869. Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties, or persons, and females as well as males and bodies corporate shall be deemed to be included: *Provided*, that these rules of construction shall not be applied to any ordinance which shall contain any express provision including such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

870. Whenever in any ordinance the doing of any act or the omission to do any act or duty is declared to be a breach thereof, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than three nor more than one hundred dollars.

871. All the printed books containing the revised ordinances shall be deposited with the city clerk. He shall deliver one copy thereof to each officer of the city, and to such other persons as the city council may direct.

872. The mayor shall have power to extend to or reciprocate courtesies of other cities by presenting to them a copy of the revised ordinances at the expense of the city, in such manner as to him may seem suitable.

873. Whenever hereafter ordinances are published in any newspaper in the city of Monmouth, it shall be the duty of the city clerk to cause three copies of the proofs of said ordinance as published, to be printed on book paper having a margin of at least one inch, one copy each for the use of the police magistrate and city attorney, and one to be filed in the clerk's office for reference.

Article XXX.

PARKS, PUBLIC GROUNDS AND PUBLIC SQUARE.

874. It shall be the duty of the superintendent of streets to superintend all inclosed public grounds and keep the fences thereof in repair, the walks in order and the trees properly trimmed, and improve the same according to plans approved by the city council.

875. No person shall enter or leave any of the public parks of the city of Monmouth except by their gateways; no person shall climb or walk upon their walls or fences.

876. Neither cattle, horses, goats, swine or other animals, shall be turned into any one of the said parks by any person.

877. All persons are forbidden to throw stones or other missiles within any one of the public parks. All persons are forbidden to cut, break or in any way injure or deface any park fence or any walks or gates, or cut, injure or deface in any way, any tree, shrub or plant therein.

878. It shall be the duty of the marshal, his deputy and all members of the police force, to see that all thoroughfares and passage ways leading to and about the public square are kept clear and free from crowds, and open for foot passengers.

879. It shall be unlawful for any person to unhitch any horses or teams of any kind, or leave the same unhitched upon the public square or upon any of the following streets within the city for the purpose of feeding or resting such horses or teams: Main street and East street between Warren and North streets, Broadway and Garden streets between West avenue and Spring street.

880. It shall be unlawful for any person to expose for sale any load of hay or straw upon the public square.

881. It shall be unlawful for any person or persons to enter upon and engage in any games, sports or plays, upon any of the public school grounds where public schools are held, during school hours, or while any public schools are in operation, or during vacation, or be found loitering about the same; and it shall be unlawful for any person or persons to commit a nuisance on such grounds at any time.

882. Any person guility of a violation of any of the provisions of this article shall be liable to a penalty of not less than one nor more than one hundred dollars for each offense.

Article XXXI.

PAWNBROKERS, LOANBROKERS, ETC.

883. The mayor may from time to time grant licenses to such persons as shall produce to him satisfactory evidence of their good character to exercise or carry on the business of pawnbroker, or of a loanbroker or keeper of a loan office; and no person shall exercise or carry on the business of a pawnbroker, loanbroker or keeper of a loan office without being duly licensed, under the penalty of one hundred dollars for each day he or she shall exercise or carry on said business without such license.

884. Any person who loans money on deposit or pledge of personal property or other valuable thing, or who deals in the purchas-

ing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

885. Every person receiving such license shall pay therefor the sum of thirty dollars for the use of the city, and shall at the time of receiving such license, enter with two sufficient sureties into a joint and several bond to the city of Monmouth in the penal sum of five hundred dollars, conditioned for the due observance of all such ordinances of the city council as may be passed or in force respecting pawnbrokers, loanbrokers or keepers of loan offices, at any time during the continuance of such license.

886. Every pawnbroker and loanbroker or keeper of a loan office, shall keep a book in which shall be fairly written in ink at the time of each loan an accurate account and description in the English language of the goods, article or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article or thing. No entry made in such book shall be erased, obliterated or defaced.

887. Every pawnbroker and loanbroker or keeper of a loan office, shall at the time of each loan deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by him or her containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made or received by any pawnbroker or loanbroker or keeper of a loan office for any such entry, memorandum or note.

888. The said book as well as every article or other thing of value pawned or pledged, shall at all reasonable times be open to the inspection of the mayor or any member of the police force.

889. No person so licensed shall take any article in pawn from any person appearing to be intoxicated, nor from any person known to be a thief, or to have been convicted of larceny or burglary.

890. It shall be the duty of the city marshal to report to the mayor any failure to comply with any provisions of this article, and the mayor may revoke the license of such person.

891. The mayor may forthwith revoke the license of any person who shall have been convicted before any police justice, or justice of the peace, of any violation of any provision of this article, whether the judgment of such justice shall have been appealed from or not.

ARTICLE XXXII.

PEDDLERS.

892. Every person who shall sell or offer for sale, barter or ex-

change at retail any farm produce, butter, milk, poultry, fish or other goods, wares or merchandise, traveling from place to place, in, upon and along the streets of this city, shall be deemed a peddler; and shall annually and before engaging in said business obtain a license as a peddler. No person shall engage in the business of a peddler without a license, under the penalty of not less than twenty-five dollars for each offense.

893. The license fee for peddlers shall be as follows: For one year ten dollars, for six months six dollars, for one week three dollars, for one day two dollars.

894. Any person licensed as aforesaid under this article who shall be guilty of any fraud, cheat, misrepresentation or imposition while acting in such capacity, or who shall peddle any other kind of goods, merchandise or article, than that specified in his license without leave of the mayor, shall on conviction thereof, be subject to a fine of not less than three dollars nor more than one hundred dollars.

895. This article shall not be constructed as to apply to any person or persons coming into the city from the country with teams with vegetables, berries or any produce of their own farms or premises; nor shall the same be so construed as to make it a penal offense for children under the age of twelve years to peddle apples or other fruit, provided they do not occupy a stand; nor shall it be so construed as to apply to the peddling of newspapers: *Provided, further*, that the mayor may grant permits in writing to such persons as he may deem deserving for the sale of articles about the streets without a license.

896. Any person who shall violate any provision of this article, or refuse or neglect to comply with any requirement thereof where no other or different penalty is provided, shall be punished by a fine of not less than two dollars nor more than one hundred dollars. And in addition to such fine all licenses that may have been issued to any such person or persons may be revoked by the mayor immediately upon his receiving notice of such conviction.

Article XXXIII.

POLICE FORCE.

897. The several members of the police force of the city of Monmouth when on duty shall devote their time and attention to the discharge of the duties of their offices according to the laws and ordinances of the city and the rules and regulations of the department of police; and it shall be their duty to the best of their ability to preserve order, peace and quiet and enforce the laws and ordinances throughout the city.

898. They shall have power to arrest all persons in the city found in the act of violating any law or ordinance, or aiding and abetting in any such violation, and shall arrest all persons found under suspicious circumstances, and shall take all such persons so arrested to the place designated by such ordinances, rules and regulations.

899. They shall have power and authority in the city to serve and execute warrants and other process for the apprehension and commitment of persons charged with or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor or violation of any law or ordinance of the city; and while executing or serving or assisting in the execution or service of any such warrant or process, shall be vested with and have all the powers and authority conferred on constables at common law and by the laws of this state.

900. Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city or the rules and regulations of the department of police, or who shall in the discharge of his official duties be guilty of any fraud, extortion, oppression, favoritism, or willful wrong or injustice, shall forfeit and pay a penalty not exceeding one hundred dollars for each offense.

Article XXXIV.

POLICE MAGISTRATE.

901. All suits, actions, or prosecutions brought for the recovery of any fine, forfeiture, or penalty for a breach or violation of any ordinance, now or hereafter to be in force in said city, shall be commenced before a police magistrate of said city, or any justice of the peace of said city. All fines, forfeitures and penalties shall be sued for within eighteen months after the right of action has accrued.

902. All such suits, actions, or prosecutions shall be commenced in accordance with the provisions of the statute in such case made and provided; and when commenced by complaint the said complaint may be in substantially the following form:

STATE OF ILLINOIS, WARREN COUNTY, } ss.
CITY OF MONMOUTH, }

In the name and by the authority of the People of the State of Illinois:

The complaint and information of A. B. made before C. D., Police Magistrate in and for the City of Monmouth, County of Warren, and State of Illinois, on the —— day of —— A. D. 18—, who being first duly sworn, deposes and says, that one E. F. on the —— day of ——, A. D. 18—, was guilty of a breach of an Ordinance of said City entitled [here insert the title of the ordinance] in this that said E. F. did then and there unlawfully [here state the breach] at and within the corporate limits of said City of Monmouth, County of Warren,

and State of Illinois, contrary to the Ordinances of said City, and against the peace and dignity of the same people of the State of Illinois. A. B.

Subscribed and sworn to before me this —— day of ——, A. D., 18—. C. D., Police Magistrate.

903. All such suits shall be conducted as near as may be in accordance with the method of procedure in civil cases before justices of the peace.

904. When any person having been convicted before such police magistrate or justice of the peace of a violation of any of the ordinances of said city and adjudged to pay any fine or penalty and costs shall neglect or refuse to forthwith pay the full amount of such fine and costs such police magistrate, or other officer before whom such judgment was rendered, shall forthwith issue an execution against the body of such defendant, in the following form, varying such form to suit the nature of the case:

STATE OF ILLINOIS, WARREN COUNTY, } ss.
CITY OF MONMOUTH, }

The People of the State of Illinois to the City Marshal, any Policeman of said City, or to any Constable of said County, greeting:

We command you, that you demand of E. F. the sum of —— dollars and —— cents fine, and —— dollars and —— cents costs, which the City of Monmouth lately, to-wit, on the —— day of ——, A. D. 18—, recovered before me in a certain plea against the said E. F.; and in case the said E. F. shall fail or refuse to pay the same, then you shall take the said E. F. and convey him to the city prison of said city, or the county jail of said county, and deliver him into the custody of the keeper of said jail; and you, the said keeper, in such case are hereby required to receive the said E. F. into your custody in said jail and him there safely keep until said fine and costs shall be paid, or said E. F. be otherwise discharged by due process of law.

Given under my hand and seal this —— day of ——, A. D., 18—.
C. D., Police Magistrate.

905. And it shall be the duty of the officer into whose hands such execution shall come to execute the same forthwith: *Provided*, that in any case after judgment has been rendered against any person as aforesaid, the police magistrate or justice of the peace may take good and sufficient security for the payment of such fine and costs within any time not exceeding twenty days, and the person so becoming security shall sign an obligation to be entered on the docket of such suit in substance as follows:

I bind myself to pay the above judgment within twenty days from this date if the same is not paid by defendant.

Dated this——day of——, A. D. 18—.

G. H., Security.

Then no execution against the body of defendant shall be issued until the expiration of twenty days, and in case such judgment is not paid by the defendant or by such security within the time mentioned in such obligation so signed as aforesaid, suit shall be commenced thereon against such security and prosecuted as in civil cases on contracts.

906. Every able-bodied male person over the age of twelve years, who has been convicted as above provided, and committed to prison in default of payment of any fine adjudged against such person, may be required by such police magistrate or other court before whom the same shall be tried, to pay the full amount of such fine and costs by labor upon the streets and public works of said city under the control of the city marshal, or any policeman, or superintendent of streets of the said city, at the rate of fifty cents per day, until such fine and costs and accruing costs are fully paid; and at any time, in all such cases, such police magistrate or other court before whom the same shall be tried, may indorse on the execution required to be issued by the second section above, that the defendant be required to pay such fine and costs by labor as aforesaid, which indorsement and order shall be as follows as nearly as the nature of the case will admit:

WHEREAS, the within described judgment has not been paid or satisfied, and such defendant being an able-bodied person over twelve years of age, the officer executing the within writ is hereby commanded to take the body of the within described defendant and require such defendant to labor on the streets and public works of said city until such judgment, fine and costs are fully paid, at the rate of fifty cents per day, and make return hereof as you are required by law.

Given under my hand and seal this——day of——, A. D. 18—.

C. D., Police Magistrate.

907. It shall be the duty of officers under whose hands such executions, so indorsed, shall come, to forthwith execute the same.

908. Each and every such person who shall refuse or neglect to work as above required shall be returned to city prison or the jail of Warren county, and placed in solitary confinement and fed on bread and water until such person shall consent to work on said streets; and during the time any such person shall be engaged in so laboring on said streets to pay such fine and costs, such person shall every night be placed in the city prison or jail of Warren county, there to be kept until the following morning; and in like manner shall he be so placed in jail every night for safe keeping at the expense of said city, until he shall have worked a sufficient time to fully pay such fine and costs which have been recovered against him, unless good and sufficient security, to be approved by the police magistrate or other court issuing the writ, for his appearance on each morning is given, and the officer executing said execution is hereby empowered to, in his discretion, place and impose such restraints upon such person required

to labor as may be necessary and proper to prevent such person from escaping from custody, and such person may be secured by a sufficient ball and chain, whenever such fine and costs shall be worked out as aforesaid, such defendant shall be discharged by the officer executing such execution, and the same shall be returned as satisfied by labor on the streets and public works.

909. Persons laboring in payment of fines shall work under the direction of the superintendent of streets, and be in the custody of the marshal of the city, or some member of the police department, and any person thus employed to labor, escaping or attempting to escape, shall be liable to a fine of not less than five dollars for every such escape or attempt to escape.

910. Whenever any person shall be arrested, either with or without a warrant, by the city marshal or any other officer for a breach of any ordinance of said city, after the hour of six o'clock, p. m., in the spring, summer or fall season, or after the hour of five o'clock, p. m., of the winter season, or at any time on Sunday, such officer shall commit such person arrested to the city prison or the jail of Warren county, and the keeper of such city prison or county jail is hereby authorized and required to receive any such person, there to remain until the hour of nine o'clock, a. m., the next day, unless the next day be Sunday, then until the next Monday morning, when it shall be the duty of such officer to take such person before a police magistrate of said city to be dealt with according to law and the ordinances of said city.

911. In all cases of arrest made under the provisions of the preceding section, the officer making the same, may, in his discretion, take special bail for the appearance of the person arrested at the proper time and place; the amount of said bail to be in double the amount of the lowest fine and costs to which the offense is liable, but in no case be less than ten dollars.

912. It shall be the duty of the city marshal or police officer serving the warrant or summons in each suit brought for a violation of any ordinance of the city to notify the city attorney of the time and place set for trial or hearing.

913. The police magistrate shall make a report to the city clerk on or before the second week in each quarter of the fiscal year, showing the number of cases with their titles commenced before him in which the city is a party during the preceding quarter; such report shall show in what manner each and every such suit has been disposed of and the amount of fines and costs collected in each case with the aggregate amount collected by him for said quarter, and he shall attach to such report the treasurer's receipts for the amount due the city.

ARTICLE XXXV.

POUNDS.

914. No horses, cows, swine, sheep, goats, or geese, or cattle of any kind shall be permitted to run at large within the corporate limits of the city, under the penalty of three dollars for each animal so permitted to run at large, together with the costs of impounding and the expense of sustenance for each animal when impounded, as hereinafter provided, to be paid by the owner or person having charge, care or keeping thereof, severally and respectively.

915. The city council shall locate and construct in the city a good and suitable pound, of which the city marshal shall be ex-officio the keeper, and it shall be his duty to take up and impound any such animal known to him to be running at large within the limits of the city.

916. It shall be lawful for any person over eighteen years of age to take up any such animal or animals running at large contrary to the provisions of section 914 of this article, and take the same to the pound of said city where such animal or animals may be taken up, and for so doing he shall receive from the treasurer of said city, when collected, an impounding fee of fifty cents for each animal so taken up and impounded by him. And it shall be the duty of the city marshal to enter upon his books forthwith the name and residence of the person so taking any such animal to the pound.

917. There shall be charged for each animal impounded an impounding fee of fifty cents, and also fifty cents for each day or part of a day for providing sustenance for each animal impounded.

918. At any time before the sale of any animal or animals impounded, the owner or owners thereof may redeem the same by paying to the city marshal the penalty prescribed in section 914 of this article, together with the impounding fee and costs of sustenance as prescribed in section 917, and in case proceedings shall have been instituted before the police magistrate the costs of such proceedings and the amount of the judgment, if judgment shall have been recovered under this article, together with subsequently accrued costs of sustenance, shall be the redemption money to be paid.

919. When any animal or animals shall be impounded as aforesaid, it shall be the duty of the city marshal forthwith to make complaint before the police magistrate or some justice of the peace of the said city against the owner or owners of such animals if known, and thereupon a warrant shall be issued, and upon the return thereof executed, or the defendant having appeared, it shall be the duty of the justice to inquire whether the defendant has been guilty of a violation of this article; and, if the defendant be found guilty, judgment shall be rendered against him for the penalty, impounding fee,

and cost of sustenance herein prescribed and the costs of suit, and an order shall be entered that the animal or animals shall be sold to satisfy said judgment, in case the same shall not be paid forthwith. Such order shall describe the animal or animals, and state the time and place of impounding.

920. When the owner of any animal impounded shall be unknown, it shall be the duty of the city marshal when the same shall be impounded to make complaint as provided in the last section, against the unknown owner of such animal, describing the same, and thereupon the officer before whom such complaint shall be made shall issue a notice in substance as follows, to-wit:

POUND NOTICE.

Whereas, complaint has this day been made before me, that the unknown owner of the following described animals, to-wit:———impounded at———on the——day of——A. D. 18—, has permitted the same to run at large, contrary to the provisions of an ordinance entitled "An ordinance ————————————————————"

Now, therefore, notice is hereby given, that a trial will be had upon the said complaint, at my office, in the city of Monmouth on the——day of——A. D. 18—, at the hour of——m., when and where the unknown owner may appear and defend, if he see fit so to do. Witness my hand and official seal, this——day of——, A. D. 18—.

————— J. P., or P. M. [L. S.]

The day named in said notice for trial shall not be less than five nor more than ten days from the time of issuing the same, and it shall be the duty of the city marshal making the complaint forthwith to post three copies of said notice, one at the pound where the animal is impounded, one at the office of the justice or police magistrate issuing the same, and one at the court house in said city, and to return the said notice, with the time and manner of said posting.

921. The justice or police magistrate issuing said notice shall enter the cause upon his docket, as follows, to-wit: The city of Monmouth vs. The Unknown Owner of [here specify the animals]. And upon the return of the notice prescribed in the last section, like proceedings shall be had as in the case of personal service or appearance.

922. In all trials for violation of this article the accused shall have the right of trial by jury, and in proceedings against unknown owners the trial must be by jury.

923. Upon the rendition of any judgment as provided in section 919 of this article, the justice of the peace or police magistrate rendering the same shall issue to the keeper of the pound where the animal or animals are impounded an order which shall be in the following form as nearly as may be:

The People of the State of Illinois, To ————, City Marshal:

We command you, that of the following described goods and chattels, to-wit:———, the property of—— ——, you make the sum of——dollars and——cents debt, and——dollars and——cents costs, which the city of Monmouth lately recovered before me, against the said —— ——, and hereof make due return.

Given under my hand and seal, this the —— day of ——, A. D. 18—.

—— ——, J. P. or P. M., [L. S.]

924. Upon the receipt of such order, the city marshal shall immediately post three notices in like places as provided in section 920 of this article, in substance as follows:

POUND NOTICE.

Taken up and impounded in the city pound of the city of Monmouth, at———, the following described animals: ——— ——— which, unless redeemed, will be sold at public auction for cash to the highest bidder at said pound at the hour of —— o'clock, in the forenoon, on the —— day of———, 18—.

————————, City Marshal.

The day of sale mentioned in said notice shall be the third day after posting the same, exclusive of Sundays, holidays and election days, and if said animal or animals are not redeemed, the city marshal shall sell the same in accordance with said notice. It shall be the duty of the city marshal receiving such order as is prescribed in section 923 of this article to return the same within twenty days from its date to the office issuing the same, with an indorsement showing when and how the same was executed.

925. No person shall purchase or be interested directly or indirectly in the purchase of any animal taken up, impounded or sold by him under the provisions of this article, under a penalty of not less than twenty-five dollars nor more than one hundred dollars for each animal.

926. If any person shall break open, or in any manner directly or indirectly aid or assist in, or counsel or advise the breaking open of any city pound, he shall forfeit and pay a penalty of twenty dollars.

927. No person shall hinder, delay or obstruct any person engaged in taking to any city pound any animal or animals liable to be impounded, under a penalty of not less than three dollars nor more than ten dollars for each animal so being taken.

928. The city marshal shall by the end of each month pay to the treasurer of the city all moneys received by him over and above the necessary expenditures for the maintenance of the pound during the month by virtue of his office of pound-keeper, and shall at the end of each month render to the clerk of the city a full statement of all the animals received into the pound during said month, describing the same, with the names of the owners if known, of the animals redeemed, the dates when received respectively, and the dates of redemption of those sold and the times of sale, and of all moneys received by him during said month for the redemption or upon the sales of animals or otherwise as pound-keeper, and of all moneys expended by him in the maintenance of the pound, and shall attach to such statement receipts for all such moneys. The city marshal shall also keep a record in which he shall enter from time to time as they occur all matters required to be shown in such statements, and in

which he shall cause to be written the receipts of owners of animals by them redeemed.

929. When the proceeds of the sale of any animal or animals shall exceed the amount of judgment and costs, and the expense of sustenance which shall have accrued subsequently to the rendition of the judgment, and such excess shall have been paid to the treasurer, the owner or owners of such animal or animals shall be entitled to a warrant on the city treasurer for such excess upon presenting to the city clerk satisfactory evidence of right thereto.

930. Any person who shall take or drive any such animal from any inclosed lot or tract of ground, or from any stable or other building, or from outside of the city limits to any pound in said city, or with the intent that such animal may be impounded, shall be liable to a fine of not less than five nor more than twenty dollars for every animal so driven or taken from the place or places aforesaid.

Article XXXVI.

RAILROADS.

931. No railroad corporation shall by itself, agents, or employes run any passenger train upon or along any railroad track within the corporate limits of the city of Monmouth at a greater rate of speed than ten miles an hour; nor shall any such corporation by itself, agents, or employes, run any freight car or cars upon or along any railroad track within said city at a greater rate of speed than six miles per hour.

932. No railway company, railroad engineer, train conductor, or other person, shall cause or allow any locomotive engine, car, or cars, or train of cars, to stop in or remain upon any street and railroad crossing within said city for a longer period than ten minutes at any one time: *Provided, however*, that in case a collision or accident should take place at any of the crossings aforesaid, reasonable time shall be allowed to remove any obstruction that may be caused thereby.

933. Should any street and railroad crossing in said city be and remain occupied and obstructed in whole or in part by any train of railroad cars for and during the period of ten minutes, it shall be the duty of each and every railroad company upon whose line of road such obstruction may occur, their agents or employes, on or before the expiration of said ten minutes, when from any cause the entire train cannot be propelled or removed to any one side of any street occupied and obstructed as aforesaid, to cause such cars as may be on or near said crossing to be uncoupled, and some one division of the train as thus made removed from off the aforesaid street and railroad crossing in such manner as to leave said street entirely free and unobstructed, and said train, when again coupled, shall be removed forthwith from off any such crossing as aforesaid.

934. Every locomotive engine, railroad car or train of cars running in the night time on any railroad track in said city, shall have and keep while so running a brilliant and conspicuous light on the forward end of such locomotive engine, car, or train of cars. If such engine or train be backing, it shall have a conspicuous light on the rear car or engine so as to show in the direction said car is moving.

935. No company, corporation, or person shall be allowed to deposit or place in the street any lumber or other material, nor shall they load or unload any car from the street, nor erect or maintain any switch-house or other building upon any street, highway, or alley within the city limits, except by the written permission of the city council.

936. No railroad company shall cause or allow the whistle of any locomotive engine to be sounded within the city, except necessary brake and switch signals, and such as may be absolutely necessary to prevent injury to persons and to property. The bell of each locomotive engine shall be rung continually while running within said city.

937. Any railroad company or railroad corporation who shall by themselves, their agents, or employes, or any agent or employe of any railroad company or railroad corporation who shall cause or allow any railroad car or cars to be detached from any locomotive engine and left to remain upon any street or sidewalk and railroad crossing within said city for a longer period than ten minutes, shall be fined in the sum of ten dollars for each and every consecutive ten minutes any such railroad car or cars detached as aforesaid shall be so permitted to remain on such street, sidewalk, or railroad crossing.

938. Whenever, on any street crossed by the track or tracks of any railroad company, the city council shall deem it necessary to require said railway company to provide protection against injury to persons and property at such crossing by the erection and maintenance of gates, guards, or other protection, or the construction of a viaduct, or foot-way, said city council may, by resolution, so declare and direct that any such railroad company shall, within a certain time, to be fixed by the mayor and superintendent of streets, erect, construct and maintain a sufficient safeguard at such crossing, specifying the kind of protection to be erected, constructed and maintained as aforesaid, whether it be a gate or gates, or viaduct or other efficient protection; and it shall be the duty of the superintendent of streets to serve upon the said railroad company named in said resolution, a certified copy thereof within thirty days after the passage of said resolution, and at the same time to notify the said railroad company, in writing, of the time fixed by the mayor and said superintendent within which the protection so ordered shall be constructed.

939. Whenever any railroad company shall have been directed by the city council to erect, construct and maintain at any street crossed by its track or tracks, any gate or gates, viaduct, or other protection, as provided in the last preceding section, every such company

shall within the time prescribed by the mayor and superintendent of streets, erect, construct and thereafter maintain the protection specified in said resolution, under the penalty of not less than fifty nor more than two hundred dollars for every offense, and each and every ten days after the expiration of the time so fixed for the construction of such protection, any such company shall refuse or neglect to proceed to the erection of the kind of protection specified in such resolution, shall constitute a new and distinct offense.

940. Every such gate, guard, viaduct and the approaches thereto, or other protection, when so ordered as aforesaid, shall be erected and constructed at the sole cost and expense of said railroad company, under the supervision of the superintendent of streets, and the same shall forever thereafter be kept and maintained by such railroad company in proper repair and condition, at its own cost and expense, and without expense or cost to the city of Monmouth, under the supervision of the superintendent of streets and to his satisfaction.

941. Any railroad company or railroad corporation who shall, of themselves, their agents, or employes, violate or fail to observe any of the foregoing provisions of this article, or any agent or employe of any railroad company or railroad corporation, or other person, who shall violate or fail to observe the same, shall, for each violation or failure to observe the same, where no other penalty is imposed, be fined in a sum not less than twenty-five nor exceeding one hundred dollars, to be recovered in any court of competent jurisdiction.

942. It shall be unlawful for any railroad corporation by itself, agents, or employes, to run or propel any cars, engines, or trains over or across any street where the hose of any fire company within the city is laid in time of any fire or alarm of fire so as to injure, cut or in any manner interfere with such hose: *Provided*, that such corporation, its agent or employes, or some one of them, shall be notified by some person for the fire department that such hose is so laid. And any railroad corporation by itself, agents, or employes, violating the provisions of this section shall be liable to a penalty of not less than fifty nor more than two hundred dollars for each offense.

Article XXXVII.

SALOONS.

943. The city council may in its discretion grant license to such persons as it may deem proper for the sale of spirituous, vinous, fermented and malt liquors in quantities less than one gallon within the corporate limits of the city of Monmouth, under the provisions and restrictions of the statute, in such cases made and provided; subject, however, to the following additional regulations:

944. Before any such license shall issue, the person desiring the same, shall make an applicatian in writing to the city council, which application shall state the name, age and former occupation of applicant, and that the applicant has never been convicted of any crime.

The application shall be accompanied by a certificate in writing, signed by not less than three freeholders, residents of Warren county, Illinois, certifying to the general good character of the applicant, and that he has never been convicted of any crime. The application shall be accompanied by the names of the sureties proposed by the applicant. At any regular meeting of the city council, or at any special meeting called for that purpose, the city council may consider such application for license together with any objections that may be offered by any resident or residents of the city.

945. Before any license shall issue under the provisions of this article, the applicant shall first execute a bond to the city of Monmouth in the penal sum of one thousand dollars, with at least two sureties, freeholders of Warren county, Illinois, to be approved by the city council, and conditioned that the party licensed shall faithfully observe and keep all ordinances of the city now in force or hereafter to be passed during the period of such license, and shall faithfully observe and comply with the provisions and restrictions of the laws of the state of Illinois regulating dram shops or the sale of liquors.

946. The license fee shall be eight hundred dollars ($800) for one year.

947. Any person whom the city council may deem proper, on compliance with the provisions of this article and the requirements of the laws of the state of Illinois regulating the sale of liquor, shall be granted a license under the corporate seal, signed by the mayor and countersigned by the clerk, which license shall authorize the person named therein to sell, barter and deliver the liquors described in section 943 of this article in less quantities than one gallon at the place designated in the license.

948. Every license so granted, unless sooner revoked, shall expire on the first day of April next thereafter. It shall be dated as of the day of application, and no person shall be deemed as licensed to whom a license has not been actually issued.

949. Any license so granted may be revoked by the city council whenever it shall appear to the satisfaction of the city council that the party so licensed shall have violated any provision of any ordinance of the city relating to spirituous, vinous or malt liquors, or any condition of the bond aforesaid.

950. Any person licensed under the provisions of this article shall immediately cause to be and remain posted in some conspicuous place in the room or bar kept for such purpose, his license.

951. No person shall keep open any such place on the first day of the week, commonly called Sunday, nor during the night time between the hours of twelve o'clock, midnight, and six a. m., sharp, under a penalty of not less than ten nor more than one hundred dollars for each offense. And the mayor may, in his discretion, order all such places closed in times of public excitement, or on election days

or National holidays, if in his judgment the occasion demands it; and at such times it shall be unlawful for any person to keep open any such place under a penalty not exceeding one hundred dollars for each offense.

952. No license under the provisions of this article shall be issued to any person or persons to keep for sale any liquors of any description in any place, under ground or in any cellar or basement, unless by the express consent of the city council. No blinds or screnes shall be used about such place for the purpose of, or which may prevent a plain view of such place from the street. No games of any kind shall be permitted at or within such place. Every saloon or place kept under the provisions of this ordinance wherein any person is permitted or suffered to play at any game of skill or chance for money or other valuable thing is hereby declared to be a disorderly house; and no person shall keep or maintain such disorderly house under a penalty of not less than ten nor more than one hundred dollars for each offense.

953. It shall be unlawful for any person licensed as aforesaid, his agent, or servant, to suffer or permit any unlawful disturbance, or quarrels, or affrays of any kind at or within any place kept under the provisions of this article, or to suffer or permit any such place so kept to become a resort for idle or dissolute or disorderly persons, or to suffer or permit any drunken or intoxicated person to be in or about such place; and any person licensed as aforesaid, his agent, or servant, guilty of a violation of any provision of this section, shall be liable to a penalty of not less than five nor more than twenty-five dollars for each and every offense.

954. It shall be unlawful for any person licensed as aforesaid, his agent, or servant, to sell, barter, or give away, or furnish in any way, directly or indirectly, any intoxicating liquors of any kind to any minor or person under the age of twenty-one years; and any person so licensed who, by himself, his agent, or servant, violates any provision of this section, shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars for each and every offense.

955. It shall be unlawful for any person so licensed, his agent, or servant, to sell or to give any intoxicating liquor to any drunken or intoxicated person, or to any person who is in the habit of getting intoxicated; and any person who, by himself, or agent, violates any of the provisions of this section, shall be liable to a penalty of not less than twenty nor more than one hundred dollars for each and every offense.

956. Whenever the wife, or any other relative of any person habitually addicted to the use of intoxicating drink, by notice in writing, personally served, shall make a request to any liquor dealer not to sell, or in any manner give away liquor to such person, it shall thereafter be unlawful for such liquor dealer to sell or give away any

liquor to such person. Any person violating the provisions of this section shall be fined in a sum of not less than ten dollars nor more than fifty dollars for each and every offense.

957. Any person who shall hereafter have or keep any tavern, grocery, ordinary, victualing or other house or place within the city, for the selling, giving away, or in any manner dealing in any vinous, spirituous, ardent, intoxicating or fermented liquors, in quantities less than one gallon; or who, by himself, his agents or servants, shall sell, give away, or in any manner deal in any vinous, spirituous, ardent or fermented liquors, in less quantities than one gallon, without a license for that purpose in pursuance hereof, shall, upon conviction thereof, be subject to a fine of not less than ten dollars nor more than two hundred dollars: *Provided*, that druggists or persons whose chief business is to sell drugs and medicines, shall not be deemed to be within the provisions hereof, in selling quantities less than as aforesaid, for purposes purely medical, mechanical or sacramental when such druggist shall first obtain a permit in writing from the city council, specifying the place where and the purposes for which such permit is granted. Such permit shall be for one year, and shall not be construed to authorize any druggist, his agent or servant, to sell, barter or give away any intoxicating liquors of any kind to any person for any other purpose except for the purposes enumerated in this section. A fee of ten dollars shall be charged for each permit.

958. No person shall hereafter, by himself, his agent or servant, solicit, ask or take any order from any person or persons within said city, for the sale or delivery of any vinous, spirituous, ardent, intoxicating or fermented liquors, in quantities less than one gallon, at any other place than that named in such person's license, or sell, offer for sale or deliver any such vinous, spirituous, ardent, intoxicating or fermented liquors, in quantities less than one gallon, at any other place than that named in his license, within the city of Monmouth, under the penalty of not less than fifteen, nor more than one hundred dollars for each offense.

ARTICLE XXXVIII.

SEAL.

959. The seal heretofore provided and used by and for the city of Monmouth, the impression on which is circular in form with a representation of an eagle in the center, with the inscription "City of Monmouth, Illinois," on the outer circle, and the words "Warren County" on the center of said circle, shall be, and is hereby established and declared to have been, and now to be, the seal of the city of Monmouth.

ARTICLE XXXIX.

SIDEWALKS.

960. All sidewalks which may hereafter be ordered by the city council, shall be constructed under the direction and to the satisfaction of the superintendent of streets.

961. No part or portion of any sidewalk where the grade has been established shall be laid or relaid at any different grade or any other level than the adjacent portions of such sidewalks, and for every violation of this section, there is hereby imposed upon the person violating the same a penalty of not less than five nor more than twenty dollars, and shall also alter said sidewalk so as to make the same conform to the established grade, and in case he neglects and refuses so to do within a reasonable time, it shall be lawful for the superintendent of streets to alter the same, and the costs and expenses of the same shall be paid by such owner and may be recovered from him in an action in the name of the city.

962. Sidewalks, shall be constructed so as to incline upward from the outer edge of the sidewalk towards the buildings or boundary of the lot at the rate of one inch in three feet, and whenever any sidewalk shall be ordered by the city council to be made or repaired, where such order does not contain the specification thereof, or otherwise direct, such sidewalk shall be constructed of two inch planks, not less than eight inches wide, laid upon oak stringers, not less than three by four inches; the stringers to be placed not to exceed four feet apart, with the ends resting on stone; said sidewalk to be not less than four feet in width. The materials and construction of said sidewalk shall be under the supervision and subject to the approval of the superintendent of streets; *Provided*, that nothing contained herein shall be construed to prevent any person from constructing permanent stone or brick sidewalks. And any person or persons or corporation who shall construct, or attempt to construct or repair any sidewalk in said city, contrary to the provisions of this section, or contrary to any ordinance of the city council, ordering and locating such sidewalk, shall, on conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars.

963. No person shall be allowed to occupy or use for vaults, areas or other purposes the space beneath the sidewalks included within the sidewalk lines of any street in said city, unless a permit therefor shall have first been obtained from the city council; such permits to continue and be issued only upon the condition that the party receiving the same shall, as a compensation for the privileges granted by said permit build, maintain and keep in repair a sidewalk over such space intended to be used for vaults, areas or other purposes;

such sidewalks to be of the material and constructed in the manner particularly specified in such permit.

964 Such permits shall specify in general terms the purposes for which the spaces under the sidewalks shall be used, and shall also contain a condition that upon the failure to construct, maintain or repair such sidewalk in accordance with any order that may from time to time be given by the superintendent of streets or city council, the permit may be declared annulled, and that all rights and privileges under such permit shall cease from the time such permit shall be declared annulled.

965. No boiler, furnace or cesspool shall be constructed or located for use, unless by permit, under any sidewalk in this city, and no excavation when permitted shall be ventilated into the streets, unless the aperture or ventilating hole or opening shall be securely covered as herein provided.

966. Every opening in any vault or coal hole or aperture in the sidewalk over said coal hole or vault, shall be covered with a substantial plate with a rough surface to prevent accidents, and the entire construction of said coal holes and vaults shall be subject to the directions and supervision of the superintendent of streets, or such other person as the city council may designate.

967. The owner and tenant of the abutting estate, in front of which the coal hole or vault is thus permitted to be constructed, shall be held responsible to the city for any and all damages to persons or property in consequence of any defect in construction of such vault or coal hole or aperture leading thereto, or by reason of lack of repair of the same, or by reason of any coal hole or aperture leading thereto being left open.

968. Any person who shall keep or leave open any cellar door or grating of any vault on any highway or sidewalk, or suffer the same to be left or kept open, shall be subject to a fine of not exceeding fifty dollars in every case. It shall be the duty of all policemen to take note of all defects in sidewalks, and when out of repair report the same to the superintendent of streets, and see to the enforcement of this article.

969. No person while receiving or delivering goods, wares, or merchandise shall permit the same to remain on any sidewalk longer than two hours, and he shall leave at least four feet of the outer edge of the sidewalk for a passage-way in front of his store or building.

970. No person or persons shall push or draw back any horse, wagon, cart or other vehicle over any sidewalk, or use, ride, or drive

any horse, wagon, sled, or sleigh thereon, unless it be in crossing the same to go into a yard or lot where no other suitable crossing or means of access is provided, under the penalty of not less than one nor more than ten dollars for each offense.

971. All crosswalks in the city shall be kept reserved free from any sleighs, wagons, carts, or carriages, or horses, or other animals being placed or suffered to stand thereon, except so far as may be necessary in crossing the same; and the owner or driver of any sleigh, wagon, cart, or other carriage, or horse or other animal offending herein shall forfeit and pay a penalty of not less than two dollars.

972. No person shall drive, or back, or lead any horse or cart or other wheel carriage on the footpath or sidewalk of any street under the penalty of five dollars for each offense.

973. No clothing, goods, wares, merchandise, signs, boxes, or other article or thing shall be placed in front of any store, shop, or other place in said city, or on or above the sidewalk, so as to occupy more than three feet next to the buildings or premises on such sidewalk; and when placed on the sidewalk such articles shall not be more than five feet high above the top of the sidewalk, and when placed or suspended above the top of the sidewalk shall be so placed or hung that the lowest part of such articles shall be at least eight feet above the top of the sidewalk, and shall not swing more than three feet from the building or boundary line of the lot.

974. No person shall erect any booth, or establish, or fix any stand for the sale of fruit, books, or other merchandise, or any article or thing of value whatever, encumbering any part or portion of the streets or sidewalks without a license or permit so to do. In all cases where license is issued under the provisions of this section the license fee shall be as follows:

For the sale of ice cream, confectionery, fruit, lemonade, sweet cider, or beverages of any kind, not intoxicating, for one day, three dollars.

For the sale of any other article of merchandise, or things of value whatever, two dollars per day.

975. All awnings hereafter erected shall be elevated at least eight feet at the lowest part thereof above the top of the sidewalk No wooden awnings shall hereafter be erected or repaired within the fire limits of the city of Monmouth, nor shall any awning be constructed within said limits except the same be hung upon iron frames or upon frames made of fire-proof material.

976. No person shall at any time fasten any horse or horses in such a way that the horse, vehicle, reins, or lines, shall be an obstacle to the free use of the sidewalk under a penalty of one dollar for each offense, and the person in whose possession or use such horse or horses shall then be shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be prosecuted.

977. It shall be unlawful for any person to run, ride, or impel any velocipede or bicycle upon any sidewalk or pavement within the limits of the city; or for any person to roll, trundle, or propel any rolling hoops, or coast, slide, or skate upon any sidewalk or pavement within the city, under a penalty of not less than one nor more than three dollars for each offense.

Article XL.

STEAM WHISTLES.

978. No person shall blow or cause to be blown the steam whistle of any locomotive within the limits of the city of Monmouth for any purpose, except for necessary signals in operating trains, and to avoid collisions, or in cases of imminent danger.

979. No person shall blow or cause to be blown within the city limits of the city of Monmouth the steam whistle of any stationary engine as a signal for commencing or suspending work, or for any other purpose, except the same be done in a manner so as not to cause a nuisance or become a disturbance by being blown for a longer period of time, or in a louder manner than is reasonably necessary to convey such signal to persons upon the streets of the city.

980. Nothing in this article contained shall be construed as forbidding the use of steam whistles as alarm signals in case of fire or collision, or other imminent danger, nor for the necessary signals by the steam engines of the fire department of the city.

981. Any violation of or failure to comply with any provision of this article shall be punished by a fine not less than five nor more than one hundred dollars.

Article XLI.

STOVE PIPES.

982. It shall not hereafter be lawful for any person to erect or use any stove or stove pipe in the city of Monmouth, except in accordance with the following provisions of this article:

983. No part of any stove pipe shall be placed or suffered to remain within the distance of three inches from any wood or wood work whatever.

984. Every stove pipe in its passage through any ceiling, floor, partition, wall, or roof shall be secured in its position at every such passage by plates of tin or iron, or by means of cut stone or earthen ware safes, and all horizontal pipes or portion of pipes not perpendicular shall be supported by wires or other proper supporters so as to prevent all danger of the falling of such pipes.

985. No stove pipe shall terminate or discharge at any distance less than three feet from the roof of any woodwork of any other buildings, nor discharge toward any building so as to endanger the same, nor into any street or alley.

986. Any person who shall violate any of the provisions of this article shall, on conviction thereof, be fined not less than two dollars for each offense.

987. It shall be the express duty of the fire marshal of said city to see that this article is enforced.

Article XLII.

STREETS.

988. The streets, alleys and sidewalks in the city of Monmouth shall bs kept free and clear from all obstructions, incumbrances and encroachments for the use of the public, and shall not be used or occupied in any other way than is herein provided in this article.

989. The fire department of the city shall have the exclusive right of way of any and all streets at the time of any fire or alarm of fire, for going to and from such fire, or alarm of fire, with any wagon, engine, truck or vehicle to be used in and about the business of extinguishing fires.

990. No person shall injure or tear up any pavement, side or crosswalk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street, alley or public ground in the city of Monmouth, without having first obtained written permission from the superintendent of streets; or hinder or obstruct the making or repairing any public improvement or work ordered by the city council, or being done under lawful authority for the city of Monmouth, under the penalty for each offense of not less than two dollars nor more than one hundred dollars.

991. Any person, company or corporation, who shall incumber or obstruct, or cause to be incumbered or obstructed any street, alley, or other public place in said city, by placing therein or thereon any building materials, or any article or thing whatsoever, without having first obtained written permission from the superintendent of streets, shall be subject to a penalty of not less than five dollars nor more than fifty dollars for each offense, and a further penalty of two dol-

lars for each day or part of a day such incumbrance or obstruction shall continue.

992. The superintendent of streets may give permission to any person or corporote body, to make excavations on any street or alley, and to take up any pavement or sidewalk for the purpose of laying any drain or sewer, gas or water pipe. Any persons or corporations availing themselves of such permission, shall, as speedily as practicable, cause such street, alley or other highway, pavement or sidewalk, to be placed in as good and permanent condition, and as suitable for travel, as it was before being excavated.

993. In all cases where excavations are made under the authority of this article, it shall be the duty of the party or parties making the same, to have the sides of the excavations protected, without any delay, by suitable barriers, and to take every precaution against accident or injury to persons or animals.

994. Any persons violating the provisions of this article, not otherwise provided for, shall be subject to a penalty of not more than one hundred dollars, and if such street or other public highway is not relaid in as good and substantial a manner as before such excavation, the city shall have the right to repair or relay the same, and recover the cost of such repairs by civil action against the person or body whose duty it was to make the same. Where a corporation is proceeded against for a violation of the provisions of this article any judgment rendered against it, either in the way of fines or otherwise, may be collected in the way that ordinary judgments are collected.

995. No person shall in any of the streets, lanes, avenues or alleys of the said city, or upon the public square therein, make or kindle any fires without first having obtained permission from the superintendent of streets, and every person so offending, shall, on conviction thereof, forfeit and pay a sum not exceeding ten dollars nor less than one dollar for each and every offense.

996. If any person or persons shall disturb the peace or quiet of any street, avenue, lane or neighborhood, or any family or person or persons, by playing the game "Jack, lie low," shinney, or any other games, or foot racing, chasing, or hallooing, every such offender shall be deemed guilty of a breach of this article, and on conviction shall forfeit and pay any sum not exceeding five dollars nor less than one dollar.

997. No driver of any team shall stop the same in any street, lane or alley in the city of Monmouth, so as to prevent other teams from passing at all times, unless in cases of absolute necessity, nor shall any such driver stop any team at the regular crossings of said streets so as to prevent free passage for foot passengers; and all persons who shall violate this section shall, on conviction thereof, be

fined in any sum not more than twenty-five dollars nor less than one dollar.

998. It shall be unlawful for any person to build, erect or place upon any street, alley, avenue, public ground or sidewalk within the city, any house, cellar, stable, shed, pen, fence, foundation or any other structure or thing, except as otherwise provided in this ordinance, under a penalty of not less than three nor more than twenty five dollars for each offense.

999. It shall be unlawful for any person to build or place any privy within fifteen feet of the line of any public street or avenue in the city, under the penalty of not less than five nor more than twenty dollars for each offense.

1000 All gates swinging upon the line of any street or avenue within the city of Monmouth, shall be so constructed as not to swing or open upon the street or avenue, and any person, the owner or tenant of any premises or lot, who shall keep or maintain or permit any gate to so swing, contrary to the provisions of this article, shall be liable to a penalty of not less than one dollar for each and every offense, and a like additional penalty for every day such violation shall be continued after notice from the street superintendent or city marshal in regard to the same.

Article XLIII.

STREET LABOR.

1001. Every male inhabitant of the city over the age of twenty-one years and under the age of fifty years is hereby required to labor on the streets, lanes, avenues, or alleys under the direction of the superintendent of streets, not exceeding two days in each and every year; and any person failing to perform such labor, after having had three days notice of the time and place, when and where, and with what tools he is required to labor, shall forfeit and pay for the use of said city, for each and every day he shall fail to perform such labor, twenty-five cents: *Provided, however*, that the superintendent of streets may commute for such labor at the rate of seventy-five cents per day.

1002. It shall be the duty of the superintendent of streets to notify, between the first day of May and the first day of September in each year, all persons required to labor on the streets of the time and place, when and where, and of the tools with which they shall perform such labor, which notice may be served by any officer authorized to serve process in the city.

1003. Each person liable to perform road labor within the city shall in person or substitute perform the same, and in default thereof shall be subject to the penalty provided for by the first section of this

article: *Provided,* however, if such person prefer so to do, he can pay to the superintendent of streets at any time prior to the time he shall be required to perform such road labor, the sum of one dollar and fifty cents, which shall be received in full satisfaction for such road labor.

1004. The superintendent of streets shall, on or before the first day of September in each year, notify the city attorney of all persons who have failed, after due notice, to perform the labor required by this article, or in lieu of such labor to pay the amount of commutation provided by statute; and it shall be the duty of the city attorney to proceed to bring suits against such persons for the violation of this article.

Article XLIV.

STANDING COMMITTEES OF THE CITY COUNCIL.

1005. The standing committees of the city council shall be appointed annually by the mayor at the first regular meeting of the council in May, or as soon thereafter as may be. Each standing committee shall consist of three aldermen, who shall continue as members of such committee until the next annual organization of the council, unless in case of removal by resignation or otherwise.

1006. The standing committees shall be as follows:

On Finance.

On Streets and Alleys.

On Fire and Water.

On Auditing.

On Police.

On Ordinances and Printing.

On Public Buildings and Grounds.

On Miscellaneous Business and Gas.

Article XLV.

TREES.

1007. If any trees shall be suffered by the owner or occupant of the premises to grow in such a manner as to obstruct the reflection of the public lamps, it shall be the duty of the superintendent of streets to notify the owner or occupant of the premises forthwith to trim the same in the manner to be specified in the notice.

1008. If any person shall refuse or neglect to comply with such notice, it shall be the duty of the said superintendent to cause such trees to be trimmed, and the person so refusing or neglecting shall be subject to a penalty of one dollar for each tree he was so notified, and refused or neglected to trim.

1009. No person other than the owner of the abutting property shall cut down, destroy, break, or in any way injure any tree or shrub standing in any street or public place, except by permission of the city council or the superintendent of streets, under the penalty of not less than five dollars for each offense.

1010. All trees kept, maintained, or cultivated in any of the streets or public places of the city, shall have the boughs or branches cut or trimmed close to the trunk of the tree, at least ten feet above the ground; and it shall not be lawful to keep, maintain, or cultivate trees in any of the streets or other public places in the city excepting in the manner provided in this section under the penalty of one dollar for each offense.

1011. All trees placed upon the line of any sidewalk in said city shall be set at least six feet and not exceeding nine feet from the inside line, and all such trees shall be placed at least twenty feet apart; any person violating this section shall forfeit and pay not less than one nor more than twenty-five dollars for every offense.

1012. Any person who shall hitch, fasten or tie any horse, mule, ass, or cattle to any shade tree growing in any of the streets in the city of Monmouth, or to any boxing placed around said tree, shall, on conviction thereof, be fined in any sum not exceeding twenty dollars nor less than one dollar.

Article XLVI.

SUPPLIES.

1013. All supplies for the use of the city, where the cost of the same is less than fifty dollars, shall be purchased by the head of the department requiring the same, except as otherwise provided in this ordinance, or ordered by the council. The purchase of all supplies, the cost of which is over fifty dollars, shall first be ordered by the city council, and shall be made by the heads of the departments requiring the same, or such other officer or committee as the council may order; *Provided*, that in cases of an emergency, the purchase of supplies, the cost of which is over fifty dollars, may be made by the head of the department requiring the same. The head of the department, officer, or other person making any purchase as herein provided, shall certify to the bills for the same when presented for payment.

ARTICLE XLVII.

WARDS.

1014. The city of Monmouth is hereby divided into five wards, as follows :

1015. First Ward.—The boundaries and limits of the first ward shall be as follows: McClanahan street on the north, Center street on the east, Locust street and the main line of the C., B. & Q. R. R. on the south, and West avenue on the west; and all that portion of the city lying within said boundaries shall constitute the first ward.

1016. Second Ward.—The boundaries and limits of the second ward shall be as follows: Commencing at the northeast corner of the city limits, running thence south to Warren street, thence west to Center street, thence north to a point on a line with McClanahan street, thence west to and along McClanahan street to East street, thence north to the city limits, thence east to the place of beginning; and all that portion of the city lying within said boundaries, shall constitute the second ward.

1017. Third Ward.—The boundaries and limits of the third ward shall be as follows: Commencing at the northwest corner of the city limits, running thence east to East street, thence south to McClanahan street, thence west to West avenue, thence south to Warren street, thence west to the city limits, thence north to the place of beginning; and all that portion of the city lying within said boundaries, shall constitute the third ward.

1018. Fourth Ward.—The boundaries and limits of the fourth ward shall be as follows: Commencing at the southwest corner of the city limits, running thence north to a point on a line with Warren street, thence east to West avenue, thence south to the main line of the C., B. & Q. R. R., thence east to East street, thence south to the city limits, thence west to the place of beginning; and all that portion of the city lying within said boundaries, shall constitute the fourth ward.

1019. Fifth Ward.—The boundaries and limits of the fifth ward shall be as follows: Commencing at the southeast corner of the city limits, running thence north to Warren streets, thence west to Center street, thence south to Locust street, thence west to East street, thence south to the city limits, thence east to the place of beginning; and all that portion of the city lying within said boundaries, shall constitute the fifth ward.

ARTICLE XLVIII.

1020. All public or general ordinances, or parts thereof, not included in this ordinance, are hereby repealed, so far as they conflict, or are inconsistent with the provisions of this ordinance. Private or special ordinances, orders, and resolutions of the city council, are not repealed, unless repugnant to the provisions of this ordinance.

1021. This ordinance shall take effect and be in force from and after its passage.

Passed, March 12, 1883.

Approved, March 13, 1883.

Ordered printed and published in book form by the city council of the city of Monmouth, March 12, 1883.

SPECIAL LAWS

AND

ORDINANCES.

SPECIAL LAWS AND ORINANGES.

PUBLIC SCHOOLS.

The common schools of the city of Monmouth are now and have been since 1869 under the control of a board of *five* directors. Prior to that time they were under the control of a board of *three* directors.

By the statutes of 1855, p. 114, sec. 7, "Each congressional township is hereby established a township for school purposes. The business of the township shall be done by three trustees * * who * * * shall be a body politic and corporate by the name and style of trustees of schools of township ——, range ——."

Ibid, sec. 10. "Trustees of schools shall lay off the township into one or more districts to suit the wishes and convenience of a majority of the inhabitants of their township." * * *

Laws of 1861, p. 189, sec. 2. *Directors elected.*—The annual election of school directors shall be on the first Monday in August, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. * * *

In 1869 the following special act was passed:

AN ACT in relation to the Common Schools in the City of Monmouth.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly*, That in school district number nine (9) in township number eleven (11) north, of range number two (2) west, of the fourth principal meridian, and being the school district in which the city of Monmouth, in the county of Warren, is situated, there shall hereafter be elected two school directors for said district in addition to the three school directors for said district as now provided by law.

SEC. 2. That at the first election for school directors in said district, after the passage of this act, there shall be elected three directors, one of whom shall be elected from the east ward or subdivision of said district, one from the west ward or subdivision of said district, and one from the city at large—one of whom shall be elected for the term of one year, and the other two for the term of three years, to be determined by lot among the three; and at all subsequent elections there shall be one director elected from each of said wards or subdivisions, and one from the city at large, as vacancies may occur, and

in the manner now provided by law; and, when so elected, shall hold their office for the term of three years. The director so elected from the city at large shall be the president of said board of directors.

SEC. 3. The director for each of said wards or subdivisions shall, under the control of the board of directors, have the care and supervision of the schools in such ward or subdivision: *Provided,* that said directors shall have the right to employ a superintendent for all the schools of the district whenever, in their judgment, the interests of the schools shall require such superintendent: *And provided, also,* that the said board of directors shall have the authority to pay the clerk or secretary of said board such reasonable compensation for his services as may be just.

SEC. 4. That so much of the general school law of the state as is in conflict herewith is hereby repealed; and this act shall be deemed a public act, and shall be in force from and after its passage.

It is in the power of the people of the city under the provisions of the act referred to herein, to abandon the present board of five directors and substitute in their place a board of education composed of six members [*see ante secs. 342, 343*] two of whom would be elected annually and so classed that the term of service would be three years. Until such change takes place sections 331 to 339, inclusive, will not be in force.

CEMETERY.

AN ORDINANCE relating to the cemetery grounds. [Passed August 7th, 1858.]

Be it ordained by the City Council of the city of Monmouth:

SECTION 1. That the survey of the cemetery ground, situated upon the northeast quarter of section twenty-nine (29), in township eleven (11), north of range two (2), west of the fourth principal meridial, as made and platted by William M. Mason, shall be, and is hereby adopted and established as the legal survey of said cemetery ground.

* * * * * * * * * * * *

AN ORDINANCE in relation to vacating certain alleys in city cemetery. [Passed October 5th, 1861.]

Be it ordained by the City Council of the city of Monmouth:

SECTION 1. That the four foot alley referred to in the petition of I. Quinby, which separates two lots in the new cemetery, designated as lots 89 and 94, in block 8, be, and is hereby annulled and permanently vacated; and in all similar cases where persons owning lots separated by a four foot alley, desire to improve them as one, the said alley shall be vacated; *Provided,* always, that the vacation of

such alley or alleys shall not injuriously affect the interests of the city, or of any individual owning lots in said cemetery.

AN ORDINANCE to amend Ordinance No. 5 of the Revised Ordinances, entitled "Cemetery Grounds," and supplementary thereto. [Passed September 7th, 1874.]

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That a tier of lots, eight feet in width, shall be laid out on the west side of Center street, and adjacent to blocks four (4) and nine (9) on the east, leaving an alley four feet in width on the west side of said lots, which lots, when so laid off, shall be numbered from 144 to 155 respectively, and shall belong to and become a part of blocks four (4) and nine (9).

SEC. 2. That the vacant ground between blocks eleven (11) and twelve (12), and constituting a part of Center street, be laid off into four lots, leaving an alley of at least four feet in width upon each side and through the middle of the same, and that said lots be numbered and become a part of block eleven (11).

SEC. 3. That said lots shall be valued, a record made of such valuation, and be offered for sale, and deeds executed to the purchasers of said lots, in the manner and form set forth and provided in Chapter 11, Sections 2 and 3, Revised Ordinances, to which this ordinance is an amendment.

SEC. 4. All ordinances inconsistent herewith are hereby repealed.

AN ORDINANCE subdividing Lots 14 and 21, in Block 11, in New Cemetery Grounds. [Passed June 18, 1875.]

Be it ordained by the City Council of the city of Monmouth:

That lots 14 and 21, in block 11, in the new cemetery grounds, be subdivided into six lots, and that so much of the alleys on the east and west sides of said lots as shall not include the width of four feet, be included in said subdivided lots; also that lots 1 and 2, in block 6, be subdivided, and that so much of the alleys on the north and south sides of said lots 1 and 2 as shall not include four feet in width, become a part of said lots when subdivided.

GAS.

AN ORDINANCE providing for the erection of Gas Works. [Passed January 3, 1876.]

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That Draper Babcock, John J. Glenn, William Laferty, W. B. Jenks, Samuel Douglas, George Babcock, Chauncey Hardin, survivors of the incorporators of the Monmouth Gas Light and Coke Company, their associates, successors, or assigns, either in their individual capacity, or as the Monmouth Gas Light and Coke

Company, with all the rights, powers and privileges granted said company by the legislature of the State of Illinois by an act entitled "An Act to incorporate the Monmouth Gas Light and Coke Company," approved March 5, 1867, or in a corporate capacity hereafter to be organized in accordance with the laws of the State of Illinois, are hereby authorized and permitted to use the streets, alleys and public grounds of and in said city, together with all the territory which may be added to the same, for the purpose of laying down in said streets, alleys and public grounds, pipes for conveying gas for supplying said city, and the inhabitants thereof, with gas light: *Provided*, that no permanent damage shall be done to said streets, alleys or public grounds of said city, and to erect gas works in said city, and to have the exclusive privilege of supplying said city and its inhabitants with gas for the period of twenty-five years.

SEC. 2. In consideration of the privileges granted by the foregoing section, the said Draper Babcock, John J. Glenn, William Laferty, W. B. Jenks, Samuel Douglas, George Babcock and Chauncey Hardin, their associates, successors, or assigns, in their individual capacity, or in the corporate capacity of the Monmouth Gas Light and Coke Company, or in a corporate capacity hereafter to be organized, shall, within twelve months after the passage of this ordinance, commence and continue to prosecute the erection of gas works in the city of Monmouth, in such manner as to secure their completion by the first day of January, 1878.

SEC. 3. In consideration that the said Draper Babcock, John J. Glenn, William Laterty, W. B. Jenks, Samuel Douglas, George Babcock and Chauncey Hardin, their associates, successors or assigns, in their individual capacity, or in the corporate capacity of the said Monmouth Gas Light and Coke Company, or in a corporate capacity hereafter to be organized, shall erect gas works in the city of Monmouth by the first day of January, A. D. 1878, the city of Monmouth will cause to be used not less than sixty lamps along the streets occupied by the gas pipes, and enter into a contract with the said individuals or corporation erecting said works, to pay thirty-five dollars per year for the use and gas light at each post, for not less than sixty posts, to be paid for quarterly, for the period of five years, for gas for the lamps on said posts, and the lighting and extinguishing thereof. The gas to be lighted at dark and to be kept burning until midnight, according to the "Philadelphia scale," that is to say, they will not be required to be lighted and kept burning during the time of moonlight. The said Gas Light and Coke Company shall in no case charge or collect more than four dollars per one thousand cubic feet of gas furnished, and at no time to exceed the average price paid for as good quality of gas furnished other cities or villages of similar size and situation in this state.

AN ORDINANCE to amend an ordinance entitled "An Ordinance providing for the erection of Gas works," passed January 3. 1876. [Passed March 6, 1876.]

WHEREAS, William Laferty, Chauncey Hardin and Draper Babcock, for and on behalf of the survivors of the incorporators of the Monmouth Gas Light and Coke Company, and in accordance with the option contained in the first section of said ordinance, have applied for and obtained from the proper authorities, a license to form an incorporated company under the laws of the State of Illinois, by the name of the Monmouth Gas Company, for the purpose of carrying out the objects and provisions of the said ordinance. Now, therefore,

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the mayor of said city be and he is hereby authorized, empowered and instructed to make and enter into such written contract with said Monmouth Gas Company, as soon as the organization of said company is properly perfected, as shall be necessary and proper to effect the object and enforce the provisions of said ordinance passed January 3. 1876.

AN ORDINANCE defining what shall be a substantial commencement of Gas Works. [Passed February 5, 1877.]

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the Monmouth "Gas Company," a corporation organized to carry into effect an ordinance passed by the city council of the city of Monmouth, January 3, 1876, entitled "An ordinance providing for the erection of Gas Works," having taken preliminary steps for the erection of gas works, and commenced the same within the time required by said ordinance, any other work the said Gas Company shall do until the frost is permanently out of the ground, in the spring of 1877, and the weather settled, shall be taken and deemed to be a substantial compliance with the requirements of said ordinance, for the commencement and prosecution of the erection of said gas works up to May 1, 1877.

AN ORDINANCE to establish additional street lamps. [Passed August 5th, 1878.]

Be it ordained by the City Council of the city of Monmouth:

In consideration that the Monmouth Gas Company extend their gas pipes and erect additional street lamps at such points as may be agreed upon by the city council of the city of Monmouth, and said gas company not to exceed ten, the city of Monmouth agrees with said gas company to pay said company thirty dollars ($30.00) per year from the date of first use, for use, lighting and gas for each and every post so erected to be paid for quarter, yearly; said street lamps to be lighted and extinguished in accordance with the ordinances of this city now in force with said gas company, and the contract hereby

shall continue until and expire at the expiration of the contract heretofore made and now existing between the city and said gas company.

This ordinance in no wise to conflict with any ordinance now in force.

RIGHT OF WAY.

AN ORDINANCE granting the right of way to the Burlington, Monmouth & Illinois River Railway Company upon and over certain streets. [Passed April 2d, 1877.]

Be it ordained by the City Council of the city of Moumouth:

SECTION 1. The right of way is hereby granted to the Burlington, Monmouth & Illinois River Railway Company, and its successors upon and over the following named streets and parts of streets in the city of Monmouth, to-wit: Eagle street, from the west line of the city to West avenue; West avenue, south of Eagle street, and over Depot street, and any extension thereof that may at any time hereafter be made of said street west of its present terminus on Main street; also on and over Sedgewick street; and the said railway company is hereby authorized and empowered to use and occupy the streets and parts of streets above-named, for the purposes of locating, building, operating and maintaining thereon the road-bed, track or tracks, side track and switches of the said railway company, and shall have the right to maintain and operate the railroad of said company on and over said streets, subject only to the general laws and ordinances in force in said city in regard to steam railways running into or through said city of Monmouth; *Provided*, that said railway company shall, before commencing to operate said railroad, construct a good and sufficient track crossing at the intersection of every street crossed by the line of said railroad within said city.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

STREETS.

AN ORDINANCE to provide for laying out and opening an alley, across and over the west part of lot two (2), in block ten (10), in the original town plat of Monmouth. [Passed December 29, 1876.]

Be it ordained by the City Council of the city of Monmouth:

SECTION 1. That an alley of the width of sixteen feet, for sidewalk purposes and none other, be, and the same is hereby established on and along the west side of lot two (2), in said block ten (10), extending from the south line of said lot on the public square, in said city, to North street, on the north side of said lot.

SEC. 2. That said alley may be opened at any time after this

ordinance shall be in force, when application for the opening thereof shall be made by resolution of the board of supervisors of Warren county, Illinois, accompanied by a full release and relinquishment of all claims for damages on the part of the owners or occupants of the south half of the west forty feet of said lot 2.

AN ORDINANCE to provide for the opening of parts of Cedar, Wood, Warsaw, Lancaster, Pine, Warren and Locust streets, in the city of onmouth. [Passed December 3, 1877.]

Petitions having been presented to the city council, in accordance with the requirements of the city charter, to open the streets named in the following ordinance; and said council believing that the public interest demands that said streets should be opened, therefore

Be it ordained by the City Council of the city of Monmouth:

SECTION 1. That Cedar street be opened south to the Chicago, Burlington & Quincy railroad, as nearly as possible of the same width as that part of said street already opened, but not to interfere with the gas works.

SEC. 2. That Wood street be opened south to the Chicago, Burlington & Quincy railroad, the same width as that part of said street already opened.

SEC. 3. That Warsaw street be opened north to the Chicago, Burlington & Quincy railroad, the same width as that part already opened.

SEC. 4. That Lancaster street be opened north to the Chicago, Burlington & Quincy railroad, the same width as that part already opened.

SEC. 5. That Pine street be opened north to the city limits, the same width as that part of said street already opened.

SEC. 6. That Warren street be opened west to the railroad commonly known as the Rockford, Rock Island & St. Louis railroad, the same width as that part of said street already opened.

SEC. 7. That Locust street be opened from Cedar street west to East street, the same width as that part of said street already fully opened.

SEC. 8. That in case it shall be necessary to take private property in opening the streets by this ordinance directed to be opened, and the amount of compensation to be allowed the owners thereof can not be agreed on, the mayor shall cause the amount of such compensation for such property to be ascertained by a jury of six disinterested freeholders of said city, and proceed in opening said streets according to law.

AN ORDINANCE defining Harding street, and widening the north end of Harding and the south end of Wood streets in the City of Monmouth. [Passed March 10, 1879.]

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the street separating south addition to the city of Monmouth from Haley's addition to said city be and the same is hereby named Harding street.

SEC. 2. That that part of Harding street lying north of the right of way of the Chicago, Burlington & Quincy Railroad Company be widened by extending the east line of said street sixty-two (62) feet east from its present location as shown by the plat of the orignal survey of the south addition to the city of Monmouth, recorded on pages 202 and 203 of volume 24 of Official Records of Warren county, Illinois.

SEC. 3. That the west line of that part of the south end of Wood street, situated between Locust street and the right of way of the Chicago, Burlington & Quincy Railroad Company, be extended west eighteen (18) feet and ten (10) inches from the east line of lot ten (10) in block twenty-three (23), south addition to the city of Monmouth, as said east line is shown by a plat of a subdivision of block three (3) in said addition, recorded on page 474 of volume 26 of Official Records of Warren county, Illinois, it being the intent and purpose of this section to make the west line of that part of Wood street lying south of Locust street a continuation of the west line of that part of Wood street lying north of Locust street, as shown by the old town plat of the city of Monmouth, recorded on pages 517 and 518 of volume 3 of Official Records of Warren county, Illinois.

SEC. 4. That the local improvements ordered to be made by sections 2 and 3 of this ordinance shall be made by general taxation.

AN ORDINANCE to provide for the widening of South street in the city of Monmouth. [Passed June 6th, 1881.]

Petition having been presented to the city council to widen the part of the street named in the following ordinance, the council believes that the interest of the city demand that the said part of South street should be widened, therefore

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That South street be opened to the width of sixty-five feet, commencing at west line of West avenue and extending west to Olive street so as to make the said street the same width and on direct lines with the east part of said street.

SEC. 2. That in case it shall be necessary to take private prop-

erty in opening said South street to the width of sixty-five feet, as by this ordinance directed to be opened or widened, and the compensation to be allowed the owners thereof cannot be agreed on, the mayor shall cause the amount of such compensation for such property to be ascertained by a jury of six disinterested freeholders of said city, and proceed in opening or widening said street, according to law.

TELEPHONES.

AN ORDINANCE granting permission to erect and maintain a system of telephones or a telephone exchange in the city of Monmouth, Illinois. [Passed December 5, 1881.]

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the Central Telephone Company and its successors and assigns be, and they are hereby granted right of way through, in, and upon the streets and public grounds of the city of Monmouth, in the county of Warren, and state of Illinois, for the use and purposes of therein and thereon to erect, maintain, and use all the necessary poles or posts of wood, iron, or other suitable material and the necessary wires successfully to operate and use a system of telephones or a telephone exchange in the city of Monmouth aforesaid: *Provided*, that the said Central Telephone Company, and its successors and assigns shall maintain and use (under proper and reasonable restrictions and rules) an office and operator on lines of telephone wires at some convenient point within said city, and shall so place said posts or poles and set the wires thereon in such manner as not to interfere with travel on said streets, sidewalks, alleys, and public grounds aforesaid, and shall put and keep in good order all those parts of the same interfered with or used in the erection of said poles or posts, and shall hereafter so maintain the same in like good condition.

SEC. 2. Said poles shall be set so as not to interfere with the flow of water in any drain or gutter in said city, and the points of location shall be determined under the direction of the street commissioner or of the city engineer.

SEC. 3. The said common council expressly reserves the right to grant the right of way, through, in and upon said streets, sidewalks, alleys, and public grounds for the erection, maintenance and use of the necessary poles, or posts and wires of any other telephone company or individuals whenever requested, the same not to interfere with the proper and successful use of the rights hereby granted to the said Central Telephone Company and its successors and assigns.

SEC. 4. The city council shall enact such ordinances as may become necessary for the protection of telephone poles, fixtures and wires from abuse and injury.

AID TO VOLUNTEERS.

[Passed June 1, 1861.]

WHEREAS, Many citizens of the city of Monmouth have expressed their willingness to respond to the call of the Government for volunteers to support the Union, the Constitution and the Laws; therefore, in order to encourage those of said citizens who are the heads of families in their patriotic purpose:

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That there be and is hereby appropriated the sum of one thousand dollars from the treasury of said city, the whole or so much thereof as is in the judgment of the city council expedient or necessary, to be disbursed from time to time, under the order and direction of the city council in administering to the comfort and support of the families of those citizens who have been or may be accepted in the military service of the United States or state of Illinois as volunteers, while in such service.

SEC. 2. And be it further ordained, that in order to provide for meeting the appropriation hereby made, there shall be levied and collected on all the real and personal estate within the city of Monmouth during the year 1861, in addition to the ordinary city taxes, a tax of twenty cents on the one hundred dollars valuation.

RULES AND ORDER OF BUSINESS

OF THE

CITY COUNCIL OF MONMOUTH.

ORDER OF BUSINESS.

RULE 1. At the hour appointed for meetings, the clerk shall proceed to call the roll of members, marking the absentees, and announce whether a quorum is present. If a quorum be present the council shall proceed to the business before it. A majority of the members elect shall be necessary to constitute a quorum; less than a quorum may adjourn and compel the attendance of members.

The following shall be the order of business:

1. The reading of the minutes of the proceedings of the last meeting or meetings, amendment and approval of the same.

2. The presentation of petitions and other communications.

3. Reports of city officers.

4. Reports of standing committees.

5. Reports of select committees.

6. Unfinished business of preceding meeting.

7. Miscellaneous resolutions, motions, etc.

RULE 2. All questions relating to the priority of business shall be decided without debate.

DUTIES AND PRIVILEGES OF THE MAYOR.

RULE 3. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the city council. He shall have the casting vote on all questions upon which the city council is equally divided, but not otherwise.

RULE 4. While the mayor is putting the question no member shall walk across or out of the council room.

RULE 5. Every member, previous to his speaking, shall rise from his seat, and adress himself to the mayor, but shall not proceed with his remarks until recognized and named by the chair.

RULE 6. The mayor shall, when ordered by the council, direct the marshal to have present at its session, any person, books or papers deemed necessary to the proper understanding of any question before it.

RULE 7. When two or more arise at once the mayor shall name the member who is entitled to speak.

DUTIES OF MEMBERS.

RULE 8. Each member, on presenting any communication, resolution or other matter for the consideration and action of the council, shall rise and address the mayor as "Mr. Mayor," and having made such explanation or statement as he shall deem necessary, of the matter he desires to present, shall ask leave to present the same.

RULE 9. No member shall be permitted to speak without rising and addressing the chair in the proper form, nor shall he proceed with his remarks until he is recognized and named by the chair.

RULE 10. No member shall speak more than twice upon the same general question, except by unanimous concent.

RULE 11. A member called to order while speaking, shall, unless permitted to explain, immediately cease speaking and sit down until the point of order is presented and decided. If there be no appeal, the decision of the chair shall be conclusive, but if an appeal be taken from the decision of the chair, the council shall decide on the matter without debate.

RULE 12. While a member is speaking, no member shall hold any private discourse, or pass between the speaker and the chair.

RULE 13. No member shall vote on any matter in which he is directly interested; but he shall, if present, vote on all other questions, unless excused by the council.

RULE 14. No member shall speak to the council unless there be some question then pending before it, except to make an explanation or an inquiry.

RESOLUTIONS, MOTIONS AND ORDINANCES.

RULE 15. All resolutions shall be in writing, and every motion shall be reduced to writing when requested by the mayor or any alderman.

RULE 16. No motion shall be put and debated unless it is seconded. When a motion is seconded it shall then be stated by the mayor or be read, if reduced to writing, by the recorder or the member offering it.

RULE 17. After a motion or resolution has been stated by the mayor, it shall be regarded as properly before the council, but it may be withdrawn at any time before amendment is made to it, or vote taken on it; but if an amendment has been made or a vote taken, it can only be withdrawn by the consent of the council.

RULE 18. On the request of any two members of the council, the yeas and nays shall be taken and entered on the minutes.

RULE 19. If a question under consideration contains more than one distinct proposition, it may be divided upon the request of any member.

RULE 20. When a question is pending or under debate, no other business shall be in order, and no matter shall be entertained except:

First. A motion to adjourn.

Second. To lay on the table.

Third. To postpone indefinitely.

Fourth. The previous question.

Fifth. To refer to a committee.

Sixth. To amend.

Seventh. To adjourn to a particular day.

Such motions shall have precedence in the order herein named, the first, second and fourth to be decided without debate.

QUESTIONS NOT DEBATABLE.

RULE 21. Motions to adjourn, to lay on the table, or for the previous question, are not debatable; but when the motion is to adjourn to a certain day, or to lay on the table and publish, or to do any other thing, it is then open to amendment and debate.

MOTION TO ADJOURN.

RULE 22. A motion to adjourn is always in order, except when a member has the floor; or, second, While the yeas and nays are being called; or third. When the members are voting; or fourth, When the previous question has been ordered; or fifth, When adjournment was the preceding motion.

PREVIOUS QUESTION.

RULE 23. When the previous question is moved and put, it shall be in the following form: "Shall the main question be now put?" If this is carried, all amendments not acted on, and all further motions or debate shall be at an end, and the question be put without delay.

AMENDMENT.

RULE 24. A motion to amend shall be in order, but to amend an amendment to an amendment shall not be entertained.

RULE 25. Nothing offered as an amendment to any matter before the council will be entertained unless it is germain to such matter.

RECONSIDERATION.

RULE 26. A motion may be made to reconsider at any time during the same meeting, or at the first meeting had thereafter.

RULE 27. A motion to reconsider must be made and seconded by members who voted in the majority, or by those who were absent and did not vote on the matter on which reconsideration is desired.

RULE 28. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

COMMITTEES.

RULE 29. The mayor shall appoint all committees, unless the council otherwise order.

RULE 30. All standing committees shall be appointed by the mayor annually, on entering upon the duties of his office, and the first named shall be the chairman thereof.

RULE 31. Standing and select committees shall consist of not less than three members.

RULE 32. Standing committees, and select committees, to whom matters are referred by the council, shall report at the next regular meeting of the council after the reference, unless otherwise instructed, or further time be given.

RULE 33. Such reports shall briefly describe the matter referred to it, and the conclusion to which the committee has come; which conclusion shall be summed up in form of an order, resolution or recommendation.

RULE 34. On the acceptance of a final report from a select committee, the said committee shall be considered discharged, without a vote, unless otherwise ordered.

MISCELLANEOUS.

RULE 35. No person not a member of the council, shall be allowed to speak before the council, except by permission of the council.

RULE 36. Any member may call for the reading of any paper in the possession of the council, bearing upon a question then pending.

RULE 37. In filling blanks the question shall be upon the highest number or the longest time.

RULE 38. All bills and claims against the city shall be referred to some committee, and shall lie over until the next meeting of the council, unless the same shall have been examined by the appropriate committee and payment recommended by a majority of such committee, in which case bills and claims may be passed and allowed, without being referred, at the same meeting at which they are presented.

RULE 39. The foregoing rules may be temporarily suspended by unanimous consent of all members present, but shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the Aldermen elected.

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ORDINANCES.

1

N Ordinance in relation to the sale of intoxicating liquors.

e it ordained by the City Council of the City of Monmouth:

Section 1. That hereafter it shall be unlawful for any person himself or agent to sell intoxicating or malt liquors in any quan-y, within the corporate limits of the City of Monmouth, or within le-half mile of the same, without having first obtained a license om the City Council to keep a dram shop, or having obtained a ruggists' permit to sell liquors for medicinal, mechanical or sacra-ental purposes; and any person, who by himself or agent, violates y of the provisions of this section, shall be adjudged guilty of a uisance, and on conviction thereof shall be fined not less than venty-five dollars nor more than one hundred dollars for each of-nse, and imprisoned in the city prison or county jail of Warren unty until the fine and costs are paid. *Provided*, that this section ll not apply to sales made in the regular course of business to ensed keepers of dramshops, or to druggists who have obtained a uggists' permit under the ordinances of the city.

Sec. 2. The giving away of intoxicating or malt liquors, or ther shift or device to evade the provisions of this ordinance, shall e held to be an unlawful selling.

Passed April 30, 1883.

Approved April 30, 1883. H. BURLINGIM, Mayor,

Attest: I. T. Brady, City Clerk.

2

An Ordinance mending Article XXXVII entitled "Saloons," of Chapter XIII, of an Ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth."

Be it ordained by the City Council of the City of Monmouth:

Section 1. That Article XXXVII of Chapter XIII of an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth," be and the same is hereby amended as follows:

946 to read, The license fee shall be one thousand dollars for one year, payable in advance.

948 to read as follows: Every license so granted, unless sooner revoked, shall expire on the first day of May next thereafter. It shall be dated as of the day of application, and no person shall be deemed as licensed to whom a license has not been actually issued.

951 to read, after the word "time," in the second line, as follows: "From the first day of April to the first day of October in each year, between the hours of eleven o'clock p. m., sharp, and six o'clock a. m., sharp; and from the first day of October to the first day of April in each year, between the hours of ten o'clock p. m., sharp, and six o'clock a. m., sharp, under a penalty of not less than ten nor more than one hundred dollars for each offense.

And the Mayor may, in his discretion, order all such places closed in times of public excitement or on election days or national holidays, if in his judgment the occasion demands it; and at such times it shall be unlawful for any person to keep open any such place during the continuance of such order, under a penalty not exceeding one hundred dollars for each offense.

SEC. 2. All ordinances and parts of ordinances which in any way conflict with the provisions of this ordinance, are hereby repealed.

Passed May 7th, 1883.

Approved May 8th, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

3

AN ORDINANCE amending Article III of Chapter VII of an Ordinance entitled "An Ordinance for revising and consolidating the several Ordinances of the City of Monmouth."

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That Article III of Chapter VII of an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth" be and the same is hereby amended as follows:

495 where the words "the City Marshal" occur in the third line, to read "the Mayor."

496 to read as follows:

All police officers shall, when on duty, be under the direction of the city marshal, except as the mayor may otherwise order.

497 to read as follows:

At any time when it shall become necessary in order to maintain peace and good order in the city the mayor may appoint a sufficient number of extra policemen, with powers the same as the regular policemen, and he may discharge them from duty, whenever he may see fit so to do. The compensation of such extra policemen shall be determined by the council.

498 to read as follows:

The mayor may at any time discharge from office any policeman appointed by him, for misconduct or dereliction of duty, without any formal trial or investigation or charges preferred, but shall in all such cases report his action therein with his reasons therefor to the council at the next regular meeting.

SEC. 2. All ordinances and parts of ordinances which in any way conflict with the provisions of this ordinance are hereby repealed.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed May 8, 1883.
Approved May 8, 1883. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

4

AN ORDINANCE to amend Paragraph 914 of an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That paragraph 914 of an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth," be and the same is hereby amended as follows: Where the word "three" occurs in the third line to read "one."

Passed June 4, 1883.
Approved June 4, 1883. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

5

AN ORDINANCE amending Paragraph 797, Article XXIV, Chapter XIII, of an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth."

Be it ordained by the City Council of the City of Monmouth, as follows:

SECTION 1. That Paragraph 797, Article XXIV, Chapter XIII, of an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth," be and the same is hereby amended as follows: Substitute for the words "table twenty dollars," in the third line, the following, "room one hundred dollars;" and for the word "fifteen" in the fourth line, the word "sixty;" and for the words "bagatelle table," and "billiard table," substitute respectively "bagatelle room" and "billiard room."

Passed June 7, 1883.
Approved June 8, 1883. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

6

AN ORDINANCE in regard to fire bells.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That hereafter it shall be unlawful for any person or persons to ring or cause to be rung any fire bell belonging to the city, except in the case of an alarm of fire, under a penalty of not less than two dollars nor more than ten dollars for each offense. *Provided*, however, that this ordinance shall not be construed to prevent the tolling of any such bell upon proper occasion to be determined by the fire marshal or the mayor of said city.

Passed June 7, 1883.

Approved June 7, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

7

AN ORDINANCE to amend an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth."

Be it ordained by the City Council of the City of Monmouth, as follows:

SECTION 1. That an ordinance entitled "An Ordinance for revising and consolidating the several ordinances of the City of Monmouth," be and the same is hereby amended, as follows:

In place of paragraph 577, substitute the following:

1st. It shall be the duty of the sexton to give his entire time to the city in keeping the cemetery grounds in good order; keeping the grass mowed as often as needed, and all rubbish and dirt cleaned up and off said grounds.

The sexton shall, when it becomes necessary, in order to keep the grounds in good order, be authorized to hire such extra help as is needed, at such wages as the City Council may authorize.

2d. The sexton shall, when it becomes necessary, in order to keep the grounds in good order, be authorized to hire such extra help as is needed, at such wages as the City Council may authorize.

3d. The sexton shall have the power to contract for the improvement of lots in the cemetery grounds, either by the job or by the actual time spent at such prices as will pay the city for the time spent.

4th. The sexton shall be required to keep a record of all work done for owners of lots and the amount received therefor, and to turn over all moneys received by him to the city treasurer, and to render a monthly report of said work to the City Council.

5th. He shall receive for such service, the sum of $500 per year, with the use of house in which he lives, and all of the grass off of the

grounds, he to furnish a horse for use on grounds, the city to furnish cart and harness. His salary to be paid monthly.

SEC. 2. Paragraph 606 of said ordinance, Article III, Chapter XIII, is hereby repealed.

SEC. 3. This ordinance shall be enforced from and after its passage.

Passed June 7, 1883.
Approved June 7, 1883. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

8

AN ORDINANCE to repeal an ordinance entitled "An ordinance for the vacation of portions of certain streets in the City of Monmouth."

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That an ordinance passed December 14th, 1882, approved December 5th, 1882, whereby that portion of Lancaster street from the north side of Depot street to the main line of the C., B. & Q. R. R., and Warsaw street from the north side of Depot street to a point twenty (20) feet north, were conditionally "discontinued and vacated," be and the same is hereby repealed, and said parts of said streets are hereby declared public streets to all intents and purposes, the same as though such ordinance had never been passed.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Passed August 6th, 1883.
Approved August 6th, 1883. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

9

AN ORDINANCE in relation to the grade of Depot and Eagle streets, and to require the Central Iowa railroad to conform tracks to said grade.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the grade of Depot street shall be as follows to-wit: Commencing with its intersection at Greenbush street, on a level with the track of the Central Iowa railroad track, where the same crosses said street, continuing thence west on said Depot street, to where the same intersects South Main street, on a uniform grade to the height of the main track of the Central Iowa railway, as now located across said South Main street.

SEC. 2. The grade of Eagle street shall be as follows: Commencing at the east end of said street, at the intersection of West

avenue, on a level with the track of the Central Iowa railway, as the same is located where it crosses Elm street, thence west on a level with the top of the track of said railway, to the west line of said city, on a uniform grade, as said track is fixed by the grade of said railway.

SEC. 3. That the said Central Iowa railway shall, where its main track, or any of its side tracks or switches run lengthwise in either of said streets, place and hereafter keep the same on a level with the surface of said streets as fixed by this ordinance, so that such tracks may be crossed at any place on said streets, and that said railway corporation proceed without delay to restore both of said streets to their former condition, so as not unnecessarily to impair their usefulness as public streets or highways.

SEC. 4. Neglect or refusal on the part of said corporation to comply with section three of this ordinance, for a period of twenty days after this ordinance takes effect, shall subject the offender to a fine of not less than fifty dollars nor more than two hundred dollars, to be recovered in any court of competent jurisdiction, and each and every ten days said corporation shall neglect or refuse to comply with the requirements of said section, shall constitute a new and distinct offense.

SEC. 5. This ordinance shall take effect and be in force from and after its passage.

Passed August 6th, 1883.

Approved August 6th, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

10

AN ORDINANCE in relation to Dogs, and to prevent the spread of hydrophobia.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. In order to protect the people of the City of Monmouth from mad dogs, and prevent the spread of hydrophobia, the Mayor may, at any time, when in his opinion the public safety requires it, prohibit all dogs from running at large within the limits of said city, unless securely muzzled; and may direct the city marshal after notice as hereinafter provided, to kill or cause to be killed on sight, any dog found loose or at large in said city, not so muzzled.

SEC. 2. Notices of such prohibition shall be made by posting notices signed by the Mayor, in at least six of the most public places in said city, or publishing the same in a newspaper published in said city, which prohibition shall continue for such time as the mayor shall direct in said notices, not exceeding sixty days at any one time;

during which time it shall be lawful for the City Marshal or any policeman of said city or other person when directed by the City Marshal to kill any dog so running loose or at large within the limits of said city, in any street, lane, avenue, alley or park or other public place.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed August 6th, 1883.

Approved August 6th, 1883. H. BURLINGIN, Mayor.

Attest: I. T. BRADY, City Clerk.

11

AN ORDINANCE in relation to the crossings of street railways running into and through the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That all railways that now or may hereafter run into or through said city, where the same crosses any of the streets of said city, the company owing or operating the same shall grade the approach of each and every street on both sides of the same forty feet wide, and so that said approaches shall not rise or fall more than one foot in eighteen in coming to or going from the track or tracks of any such railway; Provided, that the grade on the north side of the Chicago, Burlington and Quincy railroad track on the south end of Water street, and the grades on both sides of the track of the Central Iowa railway where the same crosses Warsaw street, may be as much as one foot up to twelve feet out.

SEC. 2. Said railroads shall place and keep in good repair at all such street crossings, between the rails of their respective tracks and on the outside of all such rails, good and substantial planks or other material, at least thirty-two feet wide, the top of which shall be not more than one inch below the top of the rails of said tracks to enable wheel carriages drawn by animals, to cross said tracks with safety and despatch.

SEC. 3. Where any such railroad track or tracks crosses any street within the limits of said city above the grade of such street, the company owning or operating such road, shall place good and substantial culverts or sewers under the same and keep the same in repair, and make the same conform to the grade of any drain or sewer along said street as the same may be established at any time by the city engineer of said city.

SEC. 4. Any railroad corporation which shall neglect or refuse to comply with any of the foregoing provisions of this ordinance for a period of ten days after notice in writing requiring said corporation to make or repair any grade, crossing, drain or sewer, shall be fined

in any sum not less than twenty-five nor more than two hundred dollars, to be recovered in any court of competent jurisdiction.

SEC. 5. This ordinance shall take effect and be in force from and after its passage.

Passed August 6th, 1883.

Approved August 6th, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

12

AN ORDINANCE in regard to the fire limits of the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. Hereafter only the following blocks shall be included within the fire limits of said city, and subject to the provisions of Article XIII, of the revised ordinances of said city, to-wit: All of blocks six (6), seven (7), ten (10), eleven (11), twelve (12), nineteen (19), twenty (20), twenty-one (21), twenty-four (24), and twenty-five (25), of the original plat of the Town of Monmouth shall be known as the fire limits.

SEC. 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed August 13, 1883.

Approved August 13, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

13

AN ORDINANCE in relation to the time of closing certain places of amusements.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That hereafter it shall not be lawful for the keeper or keepers of any billiard room, shooting gallery or bowling alley, or places where any games of billiards or bowls or target shooting is carried on in the City of Monmouth, to keep such place open after the hour of 11 o'clock p. m., sharp; and it shall not be lawful for such keeper or keepers to open any such place for custom at an hour earlier than 7 a. m.

SEC. 2. All ordinances or parts thereof which in any way conflicted with the provisions of this ordinance are hereby repealed.

Passed November 15, 1883.

Approved November 15, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

Per E. J. CLARKE, Deputy.

14

AN ORDINANCE in relation to bowling alleys and the granting of licenses therefor.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the license fee for keeping a bowling alley in said city. shall be two hundred dollars per annum in advance, and at the same rate for any shorter period; provided that no license shall issue for a shorter period than six months, unless the time to the end of the municipal year be less than six months.

SEC. 2. All ordinances or parts thereof which in any manner conflict with the provisions of this ordinance are hereby repealed.

Passed November 15, 1883.

Approved November 15, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

Per E. J. CLARKE, Deputy.

15

AN ORDINANCE in relation to the crossings of streets by steam railways running into and through the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That all railways that now or may hereafter run into or through said city, where the same cross any of the streets of said city, the company owning or operating the same shall grade the approach of each and every street on both sides of the same forty feet wide, and so that said approaches shall not raise or fall more than one foot in eighteen in coming to or going from the track or tracks of any such railway; Provided, that the grade on the north side of the Chicago, Burlington and Quincy railroad track on the south end of Water street, and the grades on both sides of the track of the Central Iowa railroad, where the same crosses Warsaw street, may be as much as one foot up to twelve feet out.

SEC. 2. Said railroad shall place and keep in good repair at all such street crossings, between the rails of their respective tracks and on the outside of all such rails good and substantial planks or other material, at least thirty-two feet wide, the top of which shall be not more than one inch below the top of the rails of said tracks to enable wheel carriages drawn by animals, to cross said tracks with safety and despatch.

SEC. 3. Where any such railroad track or tracks crosses any streets within the limits of said city above the grade of said street, the company owning or operating such road, shall place good and substantial culverts or sewers under the same and keep the same in repair, and make the same conform to the grade of any drain or sewer along said street as the same may be established at any time by the city engineer of said city.

SEC. 4. Any railroad corporation which shall neglect or refuse to comply with any of the foregoing provisions of this ordinance for a period of ten days after a notice in writing requiring said corporation to make or repair any grade, crossing, drain or sewer, shall be fined in any sum not less than twenty-five, nor more than two hundred dollars, to be recovered in any court of competent jurisdiction.

SEC. 5. This ordinance shall take effect and be in force from and after its passage.

Passed September 20, 1883.

Approved September 20,1883. J. W. SIPHER, Mayor protem.

Attest: I. T. BRADY, City Clerk.

16

AN ORDINANCE in regard to roller skaking rinks and licenses therefor.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That hereafter it shall not be lawful for any person or persons to keep, operate or maintain any roller skating rink or room, hall, or other place where roller skates are used and let for hire or gain in said city without having first obtained a license so to do as hereinafter provided.

SEC. 2. Any person or persons may take out a license to keep operate and maintain a roller skating rink in said city upon application to the mayor and clerk of said city, and upon presenting to said clerk a duplicate receipt for the license fee as hereinafter provided, signed by the city treasurer.

SEC. 3. The city clerk shall issue licenses in accordance with the provisions of this ordinance to such persons as the mayor shall order, upon presentation of the proper receipt from the city treasurer for the amount of the license fee.

SEC. 4. The license fee for roller skating rinks shall be as follows: For one year, one hundred dollars; and at the same rate quarterly; for one month ten dollars, payable in advance.

SEC. 5. Any person or persons violating any of the provisions of this ordinance shall be liable to a fine not exceeding two hundred dollars.

Adopted December 6. 1883.

Approved December 7, 1883. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

17

AN ORDINANCE in relation to the means of exit from public halls. *Be it ordained* by the City Council of the City of Monmouth:

SECTION 1. Every public hall in said city with accommodations for from five to seven hundred persons shall have at least two separate and distinct exits to be constructed as far apart as practicable.

Public halls accommodating seven hundred or more persons shall have at least three separate and distinct exits, and the exits from all galleries shall be independent of, and separate from the exits of the main floor.

SEC. 2. All egress openings in public halls shall have the word "exit" conspiciously placed over them. While such halls are in use the aisles and passage ways therein shall be kept clear and unobstructive.

SEC. 3. The egress openings and stairways of all public halls with accommodations for from five to seven hundred persons shall be from four to six feet in width, and in all public halls with accommodations for seven hundred persons or more, such openings and stairways shall be from six to eight feet in width; and each stairway and passage way shall have a strong hand rail constructed on each side thereof throughout the entire length.

SEC. 4. Every theatre, opera house, hall, church, school house or other building in the City of Monmouth used for public assemblages, in which the principal or main entrance shall be through a hall or passage way or vestibule over ten feet in length, or up or down stairways, or both shall be deemed a public hall within the meaning of this ordinance.

SEC. 5. It shall be the duty of the fire marshal to cause a careful inspection of all public halls in the City of Monmouth fromtime to time as the same may become necessary, and to see that the provisions of this ordinance are enforced. The City Council shall allow the fire marshal proper compensation for such services.

SEC. 6. Any owner, agent, lessee, or occupant of any public hall in the City of Monmouth, who shall neglect or refuse to comply with any of the provisions of this ordinance shall be liable to a penalty not exceeding two hundred dollars nor less than twenty-five dollars for each and every offense.

SEC. 7. All owners, agents, lessees, and occupants of public halls in said city, shall be allowed until May 1, 1884, to make the changes necessary to comply with the provisions of this ordinance.

Passed Feb. 16, 1884.
Approved Feb. 26, 1884. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

18

AN ORDINANCE in regard to fees for removal and reinterment of bodies within the cemetery.

Be it ordained by the City Council of the City of Monmouth, as follows:

SECTION 1. The fees for the removal and reinterment of the remains of any person from one place to another within the cemetery, when the remains are those of a child of nine years or under, four dollars; when the remains are those of a person older than nine years, six dollars.

SEC. 2. All ordinances and parts of ordinances which in any manner conflict with the provisions of this ordinance, are hereby repealed.

Passed April 28, 1884.

Approved April 28, 1884. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

19

AN ORDINANCE to prevent intoxication and disorderly conduct.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. Any person or persons who shall drink any intoxicating, malt, vinous, mixed or fermented liquors, on any public street or other public place in said city, or in public view in said city, or in any alley, shed, barn, out building, hall, room, stable, yard, or other private place in said city, without the consent of the owner and of the authorized occupant thereof, shall be liable to a penalty of five dollars for each offense.

SEC. 2. Any owner, lessee, occupant or agent of such owner, lessee, or occupant, who shall give consent to any person or persons to drink any intoxicating, malt, vinous, mixed or fermented liquors in any alley, shed, barn, outbuilding, hall, room, stable yard, or other private place in said city, shall be liable to a penalty of five dollars for each offense.

SEC. 3. No person shall, by himself, agent or servant, solicit, ask or take any order from any person or persons within said city, for the sale or delivery of any intoxicating, malt, vinous, mixed or fermented liquors; nor shall any person, or corporation by agent or servant, or otherwise, deliver any intoxicating, malt, vinous, mixed, or fermented liquors, in any quantity to any person or persons within said city; and any such person or persons, or corporation, or agent or servant, shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars for any violation of this section of this ordinance; Provided, this section shall not apply to orders

taken from druggists who have druggists' permits under the ordinances of the city, or deliveries made by them under the ordinances ot the city.

Passed May 5, 1884.
Approved May 6, 1884. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

20

AN ORDINANCE in relation to the bowling alleys and the granting of licences therefor.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the license fee for keeping a bowling alley in said city, shall be fifty-two dollars per annum in advance, and at the same rate for any shorter period; provided that no license shall issue for a shorter period than six months, unless the time to the end of the municipal year be less than six months.

SEC. 2. All ordinances or parts thereof which in any manner conflict with the provisions of this ordinance are hereby repealed.

Passed May 12, 1884.
Approved May 12, 1884. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

21

AN ORDINANCE to amend an ordinance entitled, "An ordinance in regard to roller skating rinks and licenses thereot."

Be it ordained by the City Council of the City of Monmouth:

That the license fee for roller skating rinks shall be as follows: At the rate of five dollars per month in advance.

Passed July 7, 1884.
Approved July 7, 1884. H. BURLINGIM, Mayor.
Attest: I. T. BRADY, City Clerk.

22

AN ORDINANCE to license brokers and boards of trade.

Be it ordained by the City Council ot the City of Monmouth:

That no person or persons shall engage in the business of a broker, or commi sion merchant, whose business it shall be to buy and sell grain, meats, lard, or live stock, bonds, stock, or other property or securities, or shall be engaged in buying or selling deals, options, futures, puts, calls of any kind, or in any way be engaged in carrying on, keeping, or doing the business of a board of trade,

bucket shop, or junket shop without first having obtained a license so to do from said city.

That such license shall be at the rate of one hundred dollars per month payable monthly in advance on the first day of each month. And any person guilty of a violation of this ordinance shall be liable for each offense, to a fine of two hundred dollars.

Passed August 4, 1884.

Approved August 4, 1884. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

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22 1-2

AN ORDINANCE to amend No. 631 of the municipal code of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

That No. 631 of the municipal code of Monmouth be amended to read as follows:

631. The mayor is hereby authorized to license under his hand, attested by the clerk and seal of the city, any and only persons being bona fide residents of the City of Monmouth, having a permanent abode herein and being the owner of any or either of said vehicles to keep for hire and conveyance of persons; *Provided*, that such resident owners keep the price for carrying passengers to points within or without the city limits down to the price of ten, fifteen and twenty-five cents for each passenger; and that such resident owners promptly and effectually do all the business required for the proper accommodation of the public; *Provided* further, in case of failure of such resident owners to fulfill the requirements of the proviso, then the mayor shall license any such other persons and carriages as he shall deem proper.

Passed August 4, 1884.

Approved August 4, 1884. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

23

AN ORDINANCE in relation to disorderly houses.

Be it ordained by the City Council of the City of Monmouth:

SEC. 1. That hereafter it shall be unlawful for any person to be the owner, keeper, occupant or tenant of a disorderly house within the limits of the City of Monmouth, or within three miles of the outer boundaries thereof, under a penalty not exceeding two hundred dollars for each offense.

Passed September 15, 1884.

Approved September 20, 1884. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

24

AN ORDINANCE fixing the salary of certain officers herein named for the two years following the annual election, the third Tuesday of April, 1885.

Be it ordained by the City Council of the City of Monmouth:

That the salary of the several officers herein after named for the two years following the annual election to be held on the third Tuesday of April, 1885, as follows:

Mayor two hundred dollars ($200) per year; city clerk four hundred dollars ($400) per year; city attorney three hundred ($300) per year; city treasurer two hundred ($200) per year; city marshal six hundred dollars (600) per year; city superintendent of streets five hundred dollars ($500) per year.

That this ordinance shall go into operation from and after April 20, 1885, and apply to the officers elected at the annual election to be held April 21, 1885.

All ordinances in conflict with this ordinance are hereby repealed.

Passed March 2, 1885.

Approved March 2, 1885. H. BURLINGIM, Mayor.

Attest: I. T. BRADY, City Clerk.

25

AN ORDINANCE to amend section 874 of an ordinance for revising and consolidating several ordinances of the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

That section 874, of article 30, be amended by striking out the word "inclosed" in the second line of said section.

Passed June 10, 1885.

Approved June 10, 1885 W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

26

AN ORDINANCE in relation to the public parks in the City of Monmouth and to protect the same.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. It shall hereafter be unlawful for any person or persons to ride or drive in or through any of the public parks in the City of Monmouth.

SEC. 2. It shall hereafter be unlawful for any person to hitch any animal to, or to climb into or get upon or in any manner injure any of the trees or shrubs growing in and about the public parks, in the City of Monmouth.

SEC. 3. Any person guilty of a violation of any of the provisions of this ordinance, shall be liable to a penalty of five dollars for each offense.

Passed June 10, 1885.

Approved June 11, 1885. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

27

AN ORDINANCE in relation to privies and water closets introducing the dry earth system.

Be it ordained by the City Council of the City of Monmouth:

SEC. 1. That the dry earth system of privies and water closets be adopted throughout the entire limits of the city of Monmouth, in the following manner:

First. That all privies and water closets now existing within the fire limits of the City of Monmouth, shall be reconstructed upon the plan known as the "Dry Earth System," within thirty days after passage of this ordinance.

Second. That all new privies or water closets hereafter built or reconstructed within the entire limits of the City of Monmouth shall be constructed upon the "Dry Earth System."

Third. All privies that shall be condemned hereafter by the Board of Health, that are outside of the fire limits for not being in compliance with Article XVIII, numbers 744 and 747, pages 181 and 182 of the municipal code of Monmouth, shall be reconstructed upon the "Dry Earth System," whenever notice shall be given by the health officer.

SEC. 2. That the Board of Health shall attend to the execution of this ordinance and see that its provisions are carried into operation. It shall be the duty of the health officer of the city, under the direction of the Board of Health, by the first day of July, A. D., 1885, to propose and publish proper and suitable plans and specifications for the construction of privies and water closets of the proper size, class, or grade, upon the dry earth system, together with printed rules and directions for the use, keeping and cleansing such privies and water closets, and shall furnish printed copies of such plans and rules to any person on request.

SEC. 3. In making such plans and specifications and rules and regulations, the Board of Health shall classify such privies and water closets as may be required to adapt the same to the several kinds and classes of buildings in the city and prescribe suitable rules and regulations for their proper care, keeping and cleansing.

SEC. 4. That each and every dwelling house, tenement house, store house, and other private buildings, and each public building in the city limits, shall be furnished by the proper owner, occupant, or

person or officer in charge, with suitable privies and water closets, which shall be constructed or changed according to the plans and specifications furnished by the health officer and kept according to the rules and regulations prescribed by the Board of Health; that all privies and water closets shall be not less than two feet from any adjoining lot, and shall be at least five feet from every street, lane, alley, square, court, or avenue.

SEC. 5. That every person refusing or neglecting to comply with any of the provisions of this ordinance, or with any of the rules or regulations of the Board of Health, made pursuant to this ordinance, shall be fined not less than three dollars nor more than one hundred dollars for each and every offense.

Passed June 10, 1885.
Approved June 11, 1885. W. B. YOUNG, Mayor.
Attest: E. J. CLARKE, City Clerk.

28

AN ORDINANCE in relation to animals being tied out to graze upon the streets, alleys and public places of the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That hereafter it shall be unlawful for any person to tie out to graze upon or along any street, alley or other public place owned or controlled by the City of Monmouth, any cow, horse, mule or other animal, and any person violating any of the provisions of this ordinance, shall on conviction thereof, be fined not less than one, nor more than fifty dollars for each offense.

Passed June 10, 1885.
Approved June 11, 1885. W. B. YOUNG, Mayor.
Attest: E. J. CLARKE, City Clerk.

29

AN ORDINANCE creating the office of city scavenger, and defining his duties.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. There is hereby created the office of city scavenger, who shall hold his office for the term of one year, and until his successor shall be appointed and qualified.

SEC. 2. He shall be appointed by the mayor, by and with the consent of the City Council, within thirty-five days after the passage of this ordinance and on the first Monday in May, 1886, or as soon thereafter as may be, and annually thereafter.

SEC. 3. Said scavenger shall, before entering upon the duties of his office, execute a bond to the City of Monmouth in the sum of

five hundred dollars, ($500), with sureties to be approved by the Mayor, conditioned for the faithful performance of the duties of his office.

SEC 4. It shall be the duty of the scavenger to collect garbage, slops and the contents of privy boxes, drawers and pails that are constructed upon the dry earth system, whenever he shall receive notice from any member of the Board of Health or from persons desiring such services rendered, and cart the same to such places as may be designated by the Board of Health.

SEC. 5. The scavenger shall, before entering upon the duties of this office, provide himself with a water tight close box, or vehicle, so arranged as to prevent escape of liquids and offensive odors therefrom in the conveyance of garbage, slops and other matter through the streets.

SEC. 6. Said scavenger shall be governed and directed by the Board of Health and it shall be unlawful for any person other than the city scavenger to gather up and convey through any street or alley the contents of privy boxes, pails or vaults in any other than a tight box.

SEC. 7. The scavenger shall receive for his services fees as are herein stated, and are to be paid by the person or persons for whom the work is peformed, and must be collected by the scavenger or his agent.

The schedule of prices shall be as follows: For emptying one barrel of slop not to exceed forty-two (42) gallons, forty cents; one-half barrel, twenty-five cents; one pail of dejection from dry earth closet, twenty-five cents; for each dry earth drawer or box, which has contents not exceeding eight cubic feet, seventy-five cents, and five cents for each additional cubic foot; for each load of garbage one dollar.

The fees for other work not provided for in this ordinance shall be regulated by the Board of Health.

Passed July 6, 1885.

Approved July 13, 1885. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

30

AN ORDINANCE vacating a part of the north addition to Monmouth cemetery.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the portion of the north addition to Monmouth cemetery situated on the southwest corner of the southwest quarter of section twenty (20), in township eleven (11) north, range two west of

fourth P. M., known as lots 4, 5, 12, 13, 20, 21, 28 and 29, in block ten (10) in said addition, be and the same is hereby vacated.

Passed August 7, 1885.

Approved August 8, 1885. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

31

AN ORDINANCE to amend section 1002 of the municipal code of the City of Monmouth:

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That section 1002 of the municipal code of the City of Monmouth be and the same is hereby amended so as to read as follows, to-wit: It shall be the duty of the superintendent of streets to notify between the first day of May and the first day of March next thereafter, all persons required to labor on the streets, of the time and place, when and where, and of the tools with which they shall peform such labor, which notice may be served by the superintendent of streets, or by any other officer authorized to serve process in the city.

Passed September 18, 1885.

Approved September 23, 1885. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

32

AN ORDINANCE to amend sidewalk ordinance No. 10, passed September 18, 1885.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That these words be inserted in section one of said ordinance after the words "forty inches wide." "Except the walk on the south side of said block nineteen (19), of the old town plat of said city, which shall be fifty inches wide and shall be constructed upon the grade as made by City Engineer T. S. McClanahan, and approved by the City Council Oct. 5, 1885."

Passed November 2, 1885.

Approved November 12, 1885. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

33

AN ORDINANCE in relation to the extension of Oak street.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That Oak street be and the same is hereby extended from South Main street west through Morgan's second addition, to intersect West Avenue the same width as that part already opened.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Passed October 5, 1885.

Approved October 26, 1885. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

34

AN ORDINANCE establishing the "north addition to the new cemetery of the City of Monmouth."

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That that portion of Monmouth cemetery, surveyed and platted by Thos. S. McClanahan, surveyor, July 12 to 24, A. D. 1880, filed for record December, 14, 1880 and recorded in book 63 of deeds in the recorder's office of Warren county, page 620, lying in the southwest corner of the southeast quarter of section twenty (20), township 11 N., 2 W. of the 4th principal meridian, Warren county, Illinois, designated on said plat as "map of cemetery," and described in deeds prior to this date as "new cemetery," "new addition to cemetery," "north addition," and "cemetery addition," hereafter be known and described as the "north addition to the new cemetery of the City of Monmouth.

SEC. 2. That this ordinance take effect and be in force from and after its passage.

Passed January 4, 1886.

Approved January 4, 1886. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

35

AN ORDINANCE to regulate porters and runners.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. It shall be unlawful for any hack, omnibus, or any other vehicle for carrying passengers or baggage, to have more than one runner, or porter, on the grounds of any railroad company, whose depot is located within the limits of this city, to solicit passengers or baggage. The proprietor of any hotel, hack, omnibus, or baggage wagon, if engaged in soliciting passengers, or baggage, shall be con-

sidered a runner, and subject to the following rules and regulations.

SEC. 2. Every runner, or porter, is required to wear a metallic badge, exposed to view, bearing the name of the house, if any, and number of the hack, omnibus, baggage wagon, or any other vehicle which he represents, and each proprietor shall be responsible for the acts of his runner or porter.

SEC. 3. It shall be unlawful for any runner, porter or other person to solicit passengers, or baggage, on the depot grounds, or at any other place than that provided for such purposes by the company having control of the grounds, and then not in a boisterous tone of voice.

SEC. 4. Whoever shall violate any of the sections of this ordinance shall be subject to a penalty of not less than five dollars.

Passed March 1, 1886.

Approved March 11, 1886. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

36

AN ORDINANCE granting privilege for the erection of poles and the stringing of electric light wires thereon, in, on and along the streets and alleys of the City of Monmouth, Illinois.

Be it ordained by the City Council of the City of Monmouth:

That there be and is hereby granted to the Brooklyn Electric Construction company and the Thompson & Huston Electric Light Company (or any company representing the Thompson-Huston system of electric light) its associates, successors, representatives or assigns, the right and privilege to erect and maintain poles and string electric light wires thereon, in, on and along the streets and alleys of the City of Monmouth, Illinois; said poles to be set under the direction of the Superintendent of Streets of said city, or under the direction of any recognized authority of the City Council of said city.

The said Brooklyn Electric Construction Company, or the Thompson & Huston Electric Light Company (or any company representing the Thompson-Huston system of electric light) its associates, successors, representatives or assigns, agreeing to erect said poles and string said electric wires in such a manner as to prevent any damage occurring to property, either public or private, by reason thereof, and to string such wires in such manner as to prevent any damage occuring to persons or property by reason of electricity.

That the Brooklyn Electric Construction Company, or the Thompson & Huston Electric Light Company (or any company representing the Thompson-Huston system of electric light) and their associates and assigns shall dress the tops of all poles set by them in the usual way, with the ring at the top ready to receive the insulator and the said city shall have the free use of the tops of all poles for

fire alarm purposes only, also the right to enter upon the said poles for the purpose of adjusting said fire alarm wires at any and all times without the intervention of the owners of said poles, or any cost or charges to the city.

Passed March 1, 1886.
Approved March 11, 1886. W. B. YOUNG, Mayor.
Attest: E. J. CLARKE, City Clerk.

37

AN ORDINANCE in regard to additions to the City of Monmouth:
Be it ordained by the City Council of the City of Monmouth:

SECTION 1. In any addition or sub-division of lots or blocks, hereafter made to or in the city, the proprietors shall so plat and establish the same that the streets and blocks shall conform to the established streets and blocks which such addition or sub-division may adjoin; such streets to be continuous and straight and of the same width—provided any desired charge may be made in these particulars by consent of the City Council to whom all the said plats and subdivisions shall be first submitted at a regular meeting thereof, before recording the same, and any person violating this section, shall be subject to a penalty of not less than ten nor more than two hundred dollars.

SEC. 2. It shall be the duty of the City Engineer and Surveyor, or other Surveyor, who may take any plat of any addition or subdivision, to make out and leave with the city a full and perfect copy thereof to be made upon a scale and paper corresponding with the like plats in the City Clerk's office, or such as is required by ordinance, and any person violating this section shall be subject to a penalty of five dollars.

Passed April 5, 1886.
Approved April 15, 1886. W. B. YOUNG, Mayor.
Attest: E. J. CLARKE, City Clerk.

38

AN ORDINANCE to amend article XXXVII, entitled, "Saloons," of chapter XIII of an ordinance entitled an ordinance for revising and consolidating the several ordinances of the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

That article XXXVII of chapter XIII of an ordinance entitled "an ordinance for revising and consolidating the several ordinances of the City of Monmouth" be and the same is hereby amended so that section 943 shall read as follows, to-wit: 943: The City Council may

in its discretion grant license to such persons as it may deem proper for the sale of spirituous, vinous, fermented and malt liquors, in quantities less than one gallon, within the corporate limits of the City of Monmouth, except that no such license shall be granted any person to sell such liquors within five blocks of any railway depot in said city; and provided further, that such license shall be granted under provisions and restrictions of the statutes of the State of Illinois and subject to the following additional regulations.

Passed May 3, 1886.

Approved May 3, 1886. D. BABCOCK, Mayor pro tem.

Attest: E. J. CLARKE, City Clerk.

39.

AN ORDINANCE to amend an ordinance entitled "an ordinance to prevent intoxication and disorderly conduct."

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That section 2 of an ordinance entitled "an ordinance to prevent intoxication and disorderly conduct," passed by the City Council May 5, 1884, and approved by the Mayor May 6, 1884, be amended to read: "Sec. 2. Any owner, lessee, occupant, or agent of such owner, lessee, or occupant, who shall give consent to any person or persons to drink any intoxicating, malt, vinous, mixed or fermented liquors in any alley, shed, barn, outbuilding, open hallway, or stable yard, shall be liable to a penalty of five dollars for each offense."

SEC. 2. That section 3 of said ordinance be and the same is hereby repealed.

Passed May 6, 1886.

Approved May 8, 1886. D. BABCOCK, Mayor pro tem.

Attest: E. J. CLARKE, City Clerk.

40

AN ORDINANCE to further regulate the sale of intoxicating liquors in the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. No license under the provisions of this article shall be issued to any person or persons to keep a dram shop in any place under ground, or in any cellar or basement, or in any room above the first or ground floor. No games of any kind shall be permitted at or within such dram shop. Every dram shop kept under the provisions of this ordinance, wherein any person is permitted or suffered to play at any game of skill or chance, for money, cigars, tobacco, liquors, or other valuable thing, or for pastime, is hereby declared to

be a disorderly house, and no person shall keep or maintain such disorderly house under a penalty of not less than ten nor more than one hundred dollars for each offense.

SEC. 2. It shall not be lawful in the room where such dram shop is located to obstruct or prevent a full view of said room from the public street, by means of any screen, frosted windows, window blind, curtain partition, or any other object whatever, but the entire room where such liquor is sold or drank, shall be plainly visible at all times, by day and by night, from the public street, and shall at all times be accessible to the police, and any person or agent who shall be adjudged guilty of a violation of this section shall be liable to a penalty of not less than fifty dollars.

SEC. 3. All ordinances or parts of ordinances which in any way conflict with the provisions of this ordinance, are hereby repealed.

Passed May 10, 1886.

Approved May 11, 1886. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

41

AN ORDINANCE forbidding any concerts or musical entertainment in any saloon in the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That hereafter it shall be unlawful for any concert or musical entertainment to be given in any saloon in the City of Monmouth, and any person assisting or participating in such concert or musical entertainment in any saloon in said city, shall on conviction thereof be fined not less than three nor more than twenty-five dollars.

SEC. 2. It shall also be unlawful for any person licensed to sell intoxicating liquors in said city, his agents or servants to suffer or permit any concert or musical entertainment in any saloon where such liquors are sold, and any person so licensed, who by himself, his agents or servants, violates the provisions of this ordinance, shall on conviction thereof, be fined not less than three nor more than fifty dollars for each offense.

Passed June 7, 1886.

Approved June 12, 1886. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

42

AN ORDINANCE to amend an ordinance revising and consolidating the several ordinances of the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That paragraph 702, article XIII of "an ordinance for revising and consolidating the several ordinances of the City of

Monmouth," be and the same is hereby amended to read as follows:

702. No wooden building within the fire limits shall be repaired further than to make good the ordinary and natural deterioration, nor enlarged in area on ground, nor added to in any manner without a permit from the fire marshal; provided, no permit shall be so given whereby the fire risk may be increased, as to such structure or any other adjacent thereto; nor shall any wooden building, whether within or without said fire limits be removed to any other place within the same without like permission from the fire marshal.

Passed July 5, 1886.

Approved July 6, 1886. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

43

AN ORDINANCE to repeal an ordinance entitled, "an ordinance to regulate business and amusements on the first day of the week commonly called Sunday."

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That an ordinance entitled, "an ordinance to regulate business and amusements on the first day of the week commonly called Sunday," passed July 5, 1886, and approved July 6, 1886, be and the same is hereby repealed.

Passed July 19, 1886.

The ten days having elapsed during which the mayor had the discretion to approve or veto the above; and he having failed to return the ordinance with his objections thereto, he is deemed, by law, to have approved the same, and the ordinance is in effect accordingly.

Dated this 3d day of August, 1886.

E. J. CLARKE, City Clerk.

44

AN ORDINANCE in relation to privies owned by the city.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That the public shall be allowed to use the privies owned by the city under such restrictions and regulations, as shall from time to time be made by the Board of Health of the city. Such regulations when made by such Board of Health shall be posted up in or about said privies.

SEC. 2. There shall be employed a janitor who shall take care of said privies, under the direction and regulations made by said Board of Health, who shall receive the sum of $15 per month for his services.

SEC. 3. It shall be unlawful for any person to use obscene or indecent language, or be guilty of any disorderly conduct in or about said privies, or to violate the rules and regulations made by the Board of Health in relation to said privies, and any person convicted of a violation of any of the provisions of this ordinance shall be fined not less than $25 for each offense.

Passed April 4, 1887.

Approved April 6, 1887. W. B. YOUNG, Mayor.

Attest: E. J. CLARKE, City Clerk.

45

AN ORDINANCE in relation to the numbering of houses in the City of Monmouth.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. The numbering of all houses fronting upon the public streets, avenues and thoroughfares, within the City of Monmouth, shall be in conformity with the system, and the rules following:

SEC. 2. Main street shall be the base or dividing line for numbering houses on all streets or avenues running east or west, and Broadway shall be the base or dividing line for all streets or avenues running north and south.

SEC. 3. All streets and avenues running north and south and crossing and being north of said Broadway, shall be designated by the prefix North, and the portion of all streets and avenues crossing and being south of said Broadway, shall be designated by the prefix South. All streets and avenues running east and west and crossing and being east of Main street, shall be designated by the prefix East, and the portion of all said streets and avenues running east and west and crossing and being west of said Main street shall be designated by the prefix West.

SEC. 4. The first number on each side of Broadway shall be one hundred (100) and progress north and south therefrom at the rate of one hundred numbers to the distance of each block from the dividing line. The first number upon each side of Main street shall be one hundred and progress east and west therefrom at the rate of one hundred numbers to each block in distance from said Main street.

SEC. 5. The odd numbers shall be used upon the east side of all streets and avenues running north and south in the City of Monmouth, and upon the south side of all streets and avenues running east and west in said city. The even numbers shall be used upon the west side of said streets and avenues running north and south, and upon the north side of all said streets and avenues running east and west in said city.

SEC. 6. It shall be the duty of the city engineer, in pursuance of the foregoing sections, to establish and assign all houses numbers on the streets, avenues and thoroughfares of the city, and he shall prepare the necessary records of the numbers so assigned by him, and said records shall be evidence of the numbers so assigned by him; and he shall on demand furnish each owner or occupant of a house, or such person as may be employed in numbering the houses or buildings, with the necessary information as to the number belonging to each house, and all numbering shall be strictly in conformity with the directions and regulations of said city engineer, the figures of said numbers to be not less than three inches in length.

SEC. 7. All owners or occupants of houses now erected or which may hereafter be erected within said city, are hereby required to number their houses in conformity with the provisions of this article, and the regulations of the city engineer in the pursuance thereof. And any owner or occupant of any house now erected, or hereafter to be erected, who shall fail or refuse to number said house as aforesaid, within ten (10) days after receiving notice from the city engineer to number said house or who shall number any house otherwise than in conformity with the provisions of this ordinance and the regulations of the city engineer shall on conviction thereof be fined not less than one, nor more than five dollars for each offense.

Passed March 7, 1887.
Approved March 8, 1887. W. B. YOUNG, Mayor.
Attest: E. J. CLARKE, City Clerk.

46

AN ORDINANCE amending an ordinance entitled "an ordinance in relation to privies and water closets introducing the dry earth system."

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That section 1 of an ordinance of the City of Monmouth passed on the 10th day of June, 1885, and approved June 11, 1885, in relation to privies and water closets introducing the dry earth system be amended so as to read as follows:

That the dry earth system of privies and water closets, or a sufficient substitute therefore, be adopted throughout the entire limits of the City of Monmouth in the following manner:

First, That all privies and water closets now existing within the fire limits of the City of Monmouth, shall be reconstructed upon the plan known as the dry earth system, or by the construction of sufficient water tight cemented vaults within thirty days after the passage of this ordinance.

Second, That all new privies and water closets hereafter built, or reconstructed within the entire limits of the City of Monmouth,

shall be constructed upon the dry earth system, or by the construction of sufficient water tight cemented vaults.

Third, All privies that shall be condemned hereafter by the Board of Health, that are outside of the fire limits, for not being in compliance with Article XVIII, numbers 742 and 747, pages 181 and 182 of the municipal code of Monmouth, shall be reconstructed upon the dry earth system, or by the construction of good and sufficient water tight cemented vaults, whenever notice shall be given by the health officer.

SEC. 2. That section two (2), three (3), four (4) and five (5), of said ordinance be and remain in full force and effect as the same were passed by the city council of the said City of Monmouth, on said 10th day of June, 1885, and that all ordinances and parts of ordinances which may conflict with the provisions of this ordinance, be and are hereby repealed.

Passed June 6, 1887.

Approved June 25, 1887. I. P. PILLSBURY, Mayor.

Attest: EUGENE W. STEVENS, City Clerk.

47

AN ORDINANCE to amend an ordinance of the City of Monmouth in in relation to streets and regulating fences along the line of the streets in said city.

Be it ordained by the City Council of the City of Monmouth:

SECTION 1. That section nine hundred and ninety-nine, article forty-two of the ordinances of the City of Monmouth, be amended so as to read as follows:

It shall be unlawful for any person to build or place any privy within fifteen feet of the line of any public street or avenue, or to erect, plant, or grow any barbed wire or hedge fence within five feet of the line of any public street or avenue in the city, under the penalty of not less than five or more than twenty dollars.

SEC. 2. Be it further ordained, that all barbed wire and hedge fences, now standing or growing along the line of any public street or avenue in said city within less than five feet of the line of said public streets or avenues of said city or of the sidewalks thereon, be and the same are hereby declared a nuisance, and that the superintendent of streets be and is hereby authorized to abate and remove the same according to the provisions of the ordinances of said city concerning nuisances.

SEC. 3. The provisions of this ordinance shall be and remain in force from and after its passage.

Passed July 7, 1887.

Approved July 7, 1887. I. P. PILLSBURY, Mayor.

Attest: EUGENE W. STEVENS, City Clerk.

UNIVERSITY OF ILLINOIS-URBANA
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